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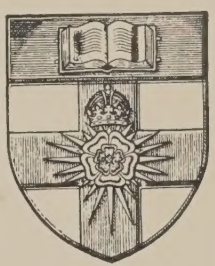

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ACCOUNTS AND PAPERS:

FORTY-FOUR VOLUMES.

— *(41.)* —

STATE PAPERS.

BELGIUM; BULGARIA; COLUMBIA; FRANCE; GERMANY; GREECE; ITALY; JAPAN; NORWAY; ROUMANIA; RUSSIA; SAMOA; SERVIA; SWITZERLAND; TUNIS.

Session
11 *February* 1890 —— 18 *August* 1890.

VOL. LXXXI.

1890.

ACCOUNTS AND PAPERS:

1890.

FORTY-FOUR VOLUMES:—CONTENTS OF THE

FORTY-FIRST VOLUME.

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(NORTH SEA FISHERIES.)

DECLARATION

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN, GERMANY, BELGIUM, DENMARK, FRANCE, AND THE NETHERLANDS,

MODIFYING

PARAGRAPH 5 OF ARTICLE VIII.

OF THE

NORTH SEA FISHERIES CONVENTION

OF

MAY 6, 1882.

Signed at the Hague, February 1, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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HODGES, FIGGIS, AND Co., 104. Grafton Street. Dublin.

[C.—5908.] *Price* 1*d.*

Declaration between the Governments of Great Britain, Germany, Belgium, Denmark, France, and the Netherlands, modifying paragraph 5 of Article VIII of the North Sea Fisheries Convention of May 6, 1882.

Signed at the Hague, February 1, 1889.

[*Ratifications deposited at the Hague, December* 21, 1889.]

LES Gouvernements signataires de la Convention conclue à La Haye le 6 Mai, 1882, pour régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales, ayant jugé utile de modifier la teneur du paragraphe 5 de l'Article VIII, sont convenus de ce qui suit :—

ARTICLE I.

Le paragraphe 5 de l'Article VIII de la Convention du 6 Mai, 1882, est remplacé par la disposition suivante :

" Les mêmes lettres et numéros sont également peints à l'huile de chaque côté de la grande voile du bateau, immédiatement au-dessus de la dernière bande de ris et de manière à être très visibles ; ils sont peints, sur les voiles blanches *en noir*, sur les voiles noires *en blanc*, et sur les voiles de nuance intermédiaire *en blanc* ou *en noir*, selon que l'autorité supérieure compétente le jugera le plus efficace."

ARTICLE II.

La date de l'entrée en vigueur de la présente Déclaration sera fixée lors du dépôt des ratifications, qui aura lieu à La Haye aussitôt que faire se pourra, et de la même manière dont s'est effectué le dépôt des ratifications de la Convention du 6 Mai, 1882.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Déclaration et y ont apposé leurs cachets.

Fait à La Haye, le 1er Février, 1889, en six exemplaires.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine de la Grande-Bretagne et d'Irlande,
(L.S.) HORACE RUMBOLD.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire d'Allemagne,
(L.S.) Baron SAURMA.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges,
(L.S.) Baron D'ANETHAN.

Le Consul-Général du Danemark,
(L.S.) C. M. VIRULY.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française,
(L.S.) LOUIS LEGRAND.

Le Ministre des Affaires Étrangères de Sa Majesté le Roi des Pays-Bas,
(L.S.) HARTSEN.

(Translation.)

Declaration.

THE Governments signatory to the Convention concluded at the Hague on the 6th May, 1882, for regulating the police of the fisheries in the North Sea, outside territorial waters, having deemed it expedient to modify the terms of paragraph 5 of Article VIII, have agreed to the following:—

ARTICLE I.

Paragraph 5 of Article VIII of the Convention of the 6th May, 1882, is replaced by the following provision:—

"The same letters and numbers shall also be painted in oil colour on each side of the main-sail of the boat, immediately above the close reef, and in such a manner as to be plainly visible; they shall be painted, on white sails *in black*, on black sails *in white*, and on sails of an intermediate shade *in black* or *in white*, as the superior competent authority shall deem the more effective."

ARTICLE II.

The date of the coming into force of the present Declaration shall be fixed on the deposit of the ratifications, which shall take place at the Hague as soon as possible, and in the same manner as the deposit was effected of the ratifications of the Convention of the 6th May, 1882.

In witness whereof, the respective Plenipotentiaries have signed the present Declaration and have affixed thereto the seal of their arms.

Done at the Hague, in six copies, the 1st February, 1889.

Envoy Extraordinary and Minister Plenipotentiary of Her Majesty the Queen of Great Britain and Ireland,
(L.S.) HORACE RUMBOLD.

Envoy Extraordinary and Minister Plenipotentiary of His Majesty the German Emperor, King of Prussia, in the name of the German Empire,
(L.S.) Baron SAURMA.

Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians,
(L.S.) Baron D'ANETHAN.

Consul-General for Denmark,
(L.S.) C. M. VIRULY.

Envoy Extraordinary and Minister Plenipotentiary of the French Republic,
(L.S.) LOUIS LEGRAND.

Minister for Foreign Affairs of His Majesty the King of the Netherlands,
(L.S.) HARTSEN.

Protocole de Dépôt.

LES Soussignés se sont réunis aujourd'hui au Ministère des Affaires Étrangères à La Haye pour procéder à l'examen et au dépôt des Actes de Ratification de la Déclaration signée à La Haye le 1er Février, 1889, pour modifier la teneur du paragraphe 5 de l'Article VIII de la Convention du

6 Mai, 1882, tendant à régler la police de la pêche dans la Mer du Nord, en dehors des eaux territoriales.

Les Actes de Ratification ont été produits et ayant, après examen, été trouvé exacts et concordants, ces documents ont été remis au Ministre des Affaires Étrangères de Sa Majesté le Roi des Pays-Bas, afin de demeurer déposés dans les archives du Département des Affaires Étrangères à La Haye, ce dépôt devant tenir lieu d'échange des dits Actes.

En outre, les Soussignés, à ce dûment autorisés par leurs Gouvernements, sont convenus que la Déclaration précitée entrera en vigueur deux mois après la date du présent Protocole.

En foi de quoi les Soussignés l'ont signé et y ont apposé le cachet de leurs armes.

Fait à La Haye, le 21 Décembre, 1889, en six exemplaires, dont un sera délivré à chacun des Gouvernements signataires de la Déclaration susmentionnée.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine de la Grande-Bretagne et d'Irlande,
(L.S.) HORACE RUMBOLD.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire d'Allemagne,
(L.S.) Baron SAURMA.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Belges,
(L.S.) Baron D'ANETHAN.

Le Consul-Général du Danemark,
(L.S.) C. M. VIRULY.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française,
(L.S.) LOUIS LEGRAND.

Le Ministre des Affaires Étrangères de Sa Majesté le Roi des Pays-Bas,
(L.S.) HARTSEN.

(Translation.)

Protocol of Deposit.

THE Undersigned met to-day at the Ministry for Foreign Affairs at the Hague in order to proceed to the examination and deposit of the Acts of Ratification of the Declaration signed at the Hague on the 1st February, 1889, modifying the tenour of paragraph 5 of Article VIII of the Convention of the 6th May, 1882, for the regulation of the police of the fisheries in the North Sea outside territorial waters.

The Acts of Ratification, having been produced and found, after examination, to be correct and in due form, were delivered to the Minister for Foreign Affairs of His Majesty the King of the Netherlands to be deposited in the archives of the Department of Foreign Affairs at the Hague, such deposit to be in lieu of the exchange of the said Acts.

At the same time, the Undersigned, duly authorized by their Governments, agreed that the aforesaid Declaration should come into force two months after the date of the present Protocol.

In faith whereof the Undersigned have signed this Protocol, and have affixed thereto the seal of their arms.

Done at the Hague, the 21st December, 1889, in six originals, of which

one shall be delivered to each of the Governments who signed the above-mentioned Declaration.

Envoy Extraordinary and Minister Plenipotentiary of Her Majesty the Queen of Great Britain and Ireland,
(L.S.) HORACE RUMBOLD.

Envoy Extraordinary and Minister Plenipotentiary of His Majesty the German Emperor, King of Prussia, in the name of the German Empire,
(L.S.) Baron SAURMA.

Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians,
(L.S.) Baron D'ANETHAN.

Consul-General for Denmark,
(L.S.) C. M. VIRULY.

Envoy Extraordinary and Minister Plenipotentiary of the French Republic,
(L.S.) LOUIS LEGRAND.

Minister for Foreign Affairs of His Majesty the King of the Netherlands,
(L.S.) HARTSEN.

COMMERCIAL. No. 4 (1890).

(NORTH SEA FISHERIES.)

DECLARATION between the Governments of Great Britain, Germany, Belgium, Denmark, France, and the Netherlands, modifying paragraph 5 of Article VIII of the North Sea Fisheries Convention of May 6, 1882.

Signed at the Hague, February 1, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COMMERCIAL. No. 2 (1890).

(GREAT BRITAIN, BELGIUM, AND FRANCE.)

AGREEMENT

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN, BELGIUM, AND FRANCE

RESPECTING

TELEGRAPHIC CORRESPONDENCE

EXCHANGED

BETWEEN THOSE COUNTRIES.

Signed at London, December 4, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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[C.—5899.] *Price* 1*d*

AGREEMENT between the Governments of Great Britain, Belgium, and France, respecting Telegraphic Correspondence exchanged between those Countries.

Signed at London, December 4, 1889.

THE Government of the French Republic, the Government of His Majesty the King of the Belgians, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of facilitating the exchange of telegrams between the United Kingdom of Great Britain and Ireland, and France and Belgium, and availing themselves of the powers accorded to them by Article XVII of the International Telegraph Convention of St. Petersburgh of the 10th (22nd) July, 1875, have agreed to the following provisions :—

ARTICLE I.

In case of interruption of the direct lines connecting two of the Contracting States, the transit rates for ordinary telegrams shall be as follows :—

Telegrams exchanged between Great Britain and France, passing over the telegraph system of Belgium, shall be subjected to a land transit rate of 2 centimes a word to be placed to the credit of the latter country.

Telegrams between Great Britain and Belgium, sent viâ France, will be subject to a land transit charge of 2·75 centimes a word, to be placed to the credit of the latter country.

For telegrams exchanged between France and Belgium, viâ England, there shall be attributed to Great Britain a land transit rate of 2·75 centimes a word.

In the different cases enumerated above, the rate for the submarine transit by the Anglo-French or Anglo-Belgian cables shall be 4 centimes a word, to be equally divided between the Administrations who own the cables.

ARTICLE II.

The several Administrations shall regulate by mutual agreement the manner of accounting for the aforesaid correspondence.

LE Gouvernement de la République Française, le Gouvernement de Sa Majesté le Roi des Belges, et le Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, désirant faciliter l'échange des télégrammes entre le Royaume-Uni de la Grande-Bretagne et d'Irlande, la France, et la Belgique, et usant des pouvoirs qui leur sont accordés par l'Article XVII de la Convention Télégraphique Internationale de Saint-Pétersbourg du 10 (22) Juillet, 1875, sont convenus des dispositions ci-après :—

ARTICLE I.

Dans les cas d'interruption des lignes directes reliant deux des États Contractants, les taxes de transit seront les suivantes, pour les télégrammes ordinaires :—

Les télégrammes échangés entre la Grande-Bretagne et la France, en passant par le réseau télégraphique de la Belgique, seront soumis à une taxe de transit terrestre de 2 centimes par mot à porter au crédit de ce dernier pays.

Les télégrammes qui seront transmis entre la Grande-Bretagne et la Belgique par la voie de France, seront soumis à une taxe de transit terrestre de 2·75 centimes par mot à bonifier à ce dernier pays.

Pour les télégrammes qui seront échangés entre la France et la Belgique, par la voie Anglaise, il sera attribué à la Grande-Bretagne une taxe de transit terrestre de 2·75 centimes par mot.

Dans les différents cas énumérés ci-dessus la taxe du transit sous-marin par les câbles Anglo-Français, ou Anglo-Belges, sera de 4 centimes par mot, à répartir en parts égales, entre les Administrations propriétaires des câbles.

ARTICLE II.

Les différentes Administrations régleront, de commun accord, le mode de décompte à adopter pour les correspondances susdites.

ARTICLE III.

Telegrams which, at the request of the sender, shall be diverted from the direct route, shall be subject to the rates and dispositions of the International Telegraph Convention of St. Petersburgh, and of the Service Regulations for the time being in force.

ARTICLE IV.

This Agreement shall take effect from the 1st April, 1889, and shall remain in force for one year, reckoned from the day on which it shall have been denounced by one of the Contracting Parties.

In witness whereof the Undersigned, duly authorized to this effect, have drawn up the present Agreement and have affixed thereto the seal of their arms.

Done in triplicate at London, the 4th of December, 1889.

ARTICLE III.

Les télégrammes qui seront détournés de la voie directe à la demande de l'expéditeur, seront soumis aux taxes et aux dispositions de la Convention Télégraphique Internationale de Saint-Pétersbourg et du Règlement de Service en vigueur.

ARTICLE IV.

La présente Convention sortira ses effets à partir du 1er Avril, 1889, et restera en vigueur jusqu'à l'expiration d'une année à compter du jour où elle aura été dénoncée par une des Parties Contractantes.

En foi de quoi les Soussignés, dûment autorisés à cet effet, ont dressé la présente Convention et y ont apposé le sceau de leurs armes.

Fait en triple exemplaire à Londres, le 4 Décembre, 1889.

(L.S.) SALISBURY.
(L.S.) SOLVYNS.
(L.S.) WADDINGTON.

COMMERCIAL. No. 2 (1890).

(GREAT BRITAIN, BELGIUM, AND FRANCE.)

AGREEMENT between the Governments of Great Britain, Belgium, and France, respecting Telegraphic Correspondence exchanged between those Countries.

Signed at London, December 4, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COMMERCIAL. No. 7 (1890).

(BULGARIA.)

CORRESPONDENCE

RESPECTING A

PROVISIONAL COMMERCIAL AGREEMENT

WITH

BULGARIA.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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[C.—5913.] *Price* 1½*d.*

Correspondence respecting a Provisional Commercial Agreement with Bulgaria.

No. 1.

Mr. O'Conor to the Marquis of Salisbury.—(*Received November* 9.)

(Extract.) *Sophia, November* 4, 1889.

I HAVE the honour to inclose herewith copy of the proposal I addressed this morning to the Minister for Foreign Affairs respecting a provisional Commercial Arrangement fixing the rate of duty on British imports into Bulgaria at 8 per cent. *ad valorem*.

Inclosure in No. 1.

Mr. O'Conor to Dr. Stransky.

M. le Ministre, *Sophia, le* 4 *Novembre*, 1889.

LE Gouvernement Bulgare n'ignore pas que depuis quelques années l'importation Britannique en Bulgarie se trouve en prise à de nombreuses difficultés, découlant des diversités d'interprétation auxquelles donne lieu le Tarif suranné annexé au Traité de Commerce Anglo-Turc de 1861, d'après lequel elle est taxée.

Dans une entrevue que j'ai eu l'honneur d'avoir avec votre Excellence, vous avez bien voulu m'assurer que le Gouvernement Bulgare ne verrait aucun inconvénient à ce qu'il fût procédé à un échange de notes entre l'honorable Ministère des Affaires Étrangères et l'Agence de Sa Majesté Britannique, en vertu duquel, et pour mettre un terme à la situation difficile dans laquelle le commerce Britannique se trouve actuellement, il serait établi et accepté de part et d'autre, comme Arrangement provisoire, que les marchandises Britanniques payeraient un droit d'importation uniforme de 8 pour cent sur leur valeur, à établir selon les cours du jour.

Son Excellence le Ministre des Finances m'ayant assuré qu'un tel Arrangement obtiendrait son adhésion, j'ai maintenant l'honneur de vous en faire officiellement la proposition, à savoir que, sans porter préjudice au droit du traitement de la nation la plus favorisée, soit à l'égard des frais de transport, soit à tout autre point de vue, les marchandises Britanniques soient soumis à un droit d'importation uniforme de 8 pour cent, et vous assurer que, dans le cas où vous accepteriez cet Arrangement, la note responsive que vous voudrez bien m'envoyer sera considérée par le Gouvernement de Sa Majesté Britannique comme ayant force d'un Arrangement provisoire d'un an à l'autre, chacune des deux Parties se réservant le droit de le dénoncer trois mois avant l'expiration de chaque année.

Je saisis, &c.

(Signé) N. R. O'CONOR.

(Translation.)

M. le Ministre, *Sophia, November* 4, 1889.

THE Bulgarian Government is aware that for some years past British importations into Bulgaria have met with numerous difficulties arising from the various interpretations given to the obsolete Tariff annexed to the Anglo-Turkish Commercial Treaty of 1861, according to which they are taxed.

In an interview which I had the honour to have with your Excellency, you were so good as to assure me that the Bulgarian Government would have no objection to an exchange of notes between the Ministry of Foreign Affairs and Her Britannic Majesty's

Agency, by which, in order to put an end to the difficult circumstances in which British trade now finds itself, it would be established and agreed on both sides, as a provisional Arrangement that British merchandize should pay an uniform import duty of 8 per cent on its value, to be fixed on the current price.

His Excellency the Minister of Finance having now informed me that such an Arrangement would receive his assent, I now have the honour to make the proposal officially, viz., that, without prejudice to the right to most-favoured-nation treatment either in regard to cost of transport or in regard to any other matter, British merchandize should be subject to an uniform import duty of 8 per cent., and to inform you that should you accept this Arrangement, the reply which you may be good enough to make to me will be considered by Her Britannic Majesty's Government as having the force of a provisional Arrangement running from year to year, each of the parties reserving the right to denounce it three months before the expiration of any year.

I have, &c.
(Signed) N. R. O'CONOR.

No. 2.

Mr. O'Conor to the Marquis of Salisbury.—(Received November 29.)

(Extract.) *Sophia, November 26, 1889.*

WITH reference to my preceding despatch, I have the honour to report that I have just this moment received the answer of the Bulgarian Government respecting the provisional Commercial Arrangement, and have only time before the messenger leaves to send your Lordship a copy of it, and of the reply which I am addressing to-day to the Minister for Foreign Affairs.

British trade is not interested in the articles exempted from the present Arrangement.

Inclosure 1 in No. 2.

Dr. Stransky to Mr. O'Conor.

M. l'Agent, *Sophia, le 14 (26) Novembre, 1889.*

EN réponse à la note que vous avez bien voulu m'adresser le 4 Novembre courant et à la suite de la communication du Ministère Princier des Finances, en date du 9 (21) du même mois, j'ai l'honneur de porter à votre connaissance que le Gouvernement Bulgare adhère à la proposition faite par le Gouvernement de Sa Majesté Britannique de modifier le système résultant du Tarif annexé au Traité de Commerce Anglo-Ottoman de 1861, par un Arrangement provisoire sur la base des conditions suivantes arrêtées par le Conseil des Ministres :—

1. Les marchandises Britanniques importées en Bulgarie seront soumises à un droit de douane de 8 pour cent *ad valorem*, sans préjudice du traitement de la nation la plus favorisée, soit au sujet des frais de transport, soit à tout autre point de vue. Elles paieront, en outre, le droit de ½ pour cent ainsi que les impôts communaux légalement établis en Bulgarie.

2. Les spiritueux, le tabac, le sel, la poudre, et tous autres articles qui, conformément aux lois du pays, sont assujettis au droit d'accise ou donnent lieu à monopole, acquitteront, outre les droits prévus au précédent paragraphe, les impôts fixés par les Lois spéciales régissant la matière.

3. Les produits du sol ou de l'industrie Bulgares, importés dans le Royaume-Uni, acquitteront les mêmes droits auxquels sont assujettis les produits similaires des nations les plus favorisées.

4. Le présent Arrangement est valable jusqu'au 1er (13) Janvier, 1891 ; s'il n'est point dénoncé jusqu'au 1er (13) Octobre, 1890, par l'une des Parties Contractantes, il restera en vigueur jusqu'au 1er (13) Janvier, 1892.

En vous communiquant ce qui précède, je profite, &c.
(Signé) DR. STRANSKY.

(Translation.)

M. l'Agent, *Sophia, November 14 (26), 1889.*

IN reply to the note which you addressed to me on the 4th instant, and on receipt of a communication from the Prince's Ministry of Finance, dated the 9th (21st) of that

month, I have the honour to state that the Bulgarian Government agrees to the proposal made by Her Britannic Majesty's Government to modify the system in force under the Tariff annexed to the Anglo-Ottoman Treaty of Commerce of 1861 by means of a provisional Arrangement on the following bases, drawn up by the Council of Ministers :—

1. British merchandize imported into Bulgaria will be subject to a customs duty of 8 per cent. *ad valorem*, without prejudice to most-favoured-nation treatment in regard either to the cost of transport or to any other matter. It will also pay the duty of ½ per cent., as well as communal taxes legally established in Bulgaria.

2. Spirits, tobacco, salt, gunpowder, and all other articles which are, under the laws of the country, subject to an excise or monopoly, will pay, in addition to the duties mentioned in the previous paragraph, the taxes established by the special laws on the subject.

3. The produce of the Bulgarian soil and industry imported into the United Kingdom will pay the duties to which are subject the similar produce of the most favoured nations.

4. The present Arrangement is valid until the 1st (13th) January, 1891; it it is not denounced before the 1st (13th) October, 1890, by one of the Contracting Parties, it will remain in force until the 1st (13th) January, 1892.

In communicating to you the above, I avail, &c.

(Signed) Dr. STRANSKY.

Inclosure 2 in No. 2.

Mr. O'Conor to Dr. Stransky.

M. le Ministre, *Sophia, le 26 Novembre*, 1889.

J'AI l'honneur d'accuser la réception de la note de votre Excellence en date du 26 du courant, par laquelle vous m'informez que le Gouvernement Bulgare adhère à la proposition faite dans ma note du 4 courant, à savoir, que les importations Britanniques paieraient en Bulgarie un droit d'importation uniforme de 8 pour cent *ad valorem*, aux conditions suivantes :—

1. Les marchandises Britanniques importées en Bulgarie seront soumises à un droit de douane de 8 pour cent *ad valorem*, sans préjudice du traitment de la nation la plus favorisée, soit au sujet des frais de transport, soit à tout autre point de vue. Elles paieront en outre le droit de ½ pour cent ainsi que les impôts communaux légalement établis en Bulgarie.

2. Les spiritueux, le tabac, le sel, la poudre, et tous autres articles qui, conformément aux lois du pays, sont assujettis au droit d'accise ou donnent lieu à monopole, acquitteront, outre le droit prévu au précédent paragraphe, les impôts fixés par les Lois spéciales régissant la matière.

3. Les produits du sol ou de l'industrie Bulgare importés dans le Royaume-Uni acquitteront les mêmes droits auxquels sont assujettis les produits similaires des nations les plus favorisées.

4. Le présent Arrangement est valable jusqu'au 1er (13) Janvier, 1891; s'il n'est pas dénoncé jusqu'au 1er (13) Octobre, 1890, par l'une des deux Parties Contractantes, il restera en vigueur jusqu'au 1er (13) Janvier, 1892.

En réponse, j'ai l'honneur d'informer votre Excellence que je suis autorisé par mon Gouvernement à consentir aux exceptions mentionnées dans le second paragraphe de la dite note de votre Excellence, à condition toutefois que ces articles jouissent du traitement de la nation la plus favorisée.

Recevez, &c.

(Signé) N. R. O'CONOR.

(Translation.)

M. le Ministre, *Sophia, November* 26, 1889.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 26th instant, informing me that the Bulgarian Government agrees to the proposal made in my note of the 4th instant, viz., that British imports into Bulgaria shall pay an uniform import duty of 8 per cent. *ad valorem* under the following conditions :—

1. British merchandize imported into Bulgaria will be subject to a customs duty of 8 per cent. *ad valorem*, without prejudice to most-favoured-nation treatment in regard

either to the cost of transport or to any other matter. They will also pay the duty of ½ per cent., as well as communal taxes legally established in Bulgaria.

2. Spirits, tobacco, salt, gunpowder, and all other articles which are, under the laws of the country, subject to an excise or monopoly, will pay, in addition to the duties mentioned in the previous paragraph, the taxes established by the special laws on the subject.

3. The produce of the Bulgarian soil and industry imported into the United Kingdom will pay the duties to which are subject the similar produce of the most favoured nations.

4. The present Arrangement is valid until the 1st (13th) January, 1891; if it is not denounced before the 1st (13th) October, 1890, by one of the Contracting Parties, it will remain in force until the 1st (13th) January, 1892.

In reply, I have the honour to inform your Excellency that I am authorized by my Government to agree to the exceptions mentioned in the second paragraph of your Excellency's above-mentioned note, on the condition, however, that the articles in question shall enjoy most-favoured-nation treatment.

I have, &c.
(Signed) N. R. O'CONOR.

No. 3.

Mr. O'Conor to the Marquis of Salisbury.—(*Received December* 13.)

(Extract.) *Sophia, December* 9, 1889.

I ADDRESSED on the 4th instant to M. Stransky, the Bulgarian Minister for Foreign Affairs, the note of which I do myself the honour to inclose a copy herewith to your Lordship, informing him that Her Majesty's Government looked upon the Commercial Arrangement as concluded by the exchange of notes that had taken place, and would be glad that orders should be issued without delay for putting it into force.

Inclosure in No. 3.

Mr. O'Conor to Dr. Stransky.

M. le Ministre, *Sophia, le 4 Décembre,* 1889.

J'AI envoyé à mon Gouvernement copie de la note du 14 (26) du passé, par laquelle votre Excellence a bien voulu me notifier que le Gouvernement Bulgare adhère à la proposition faite par le Gouvernement de Sa Majesté Britannique de modifier le système du Tarif annexé au Traité de Commerce Anglo-Ottoman de 1861 sur la base des conditions mentionnées dans la susdite note.

J'ai maintenant l'honneur, conformément aux instructions que j'ai reçues par télégraphe du Marquis de Salisbury, de vous informer que le Gouvernement de la Reine considère l'Arrangement, tel qu'il est formulé dans la note de votre Excellence du 14 (26) Novembre, comme conclu entre les deux Parties par l'échange des notes qui a eu lieu.

Je prierai par conséquent votre Excellence de faire de sorte que les ordres nécessaires soient données de suite afin de mettre l'Arrangement en vigueur le plus tôt possible.

Je saisis, &c.
(Signé) N. R. O'CONOR.

(Translation.)

M. le Ministre, *Sophia, December* 4, 1889.

I FORWARDED to my Government a copy of the note of the 14th (26th) ultimo, in which your Excellency was so good as to inform me that the Bulgarian Government agreed to the proposal made by Her Britannic Majesty's Government for the modification of the system arising under the Tariff annexed to the Anglo-Ottoman Commercial Treaty on the bases mentioned in your above-mentioned note.

I now have the honour, in pursuance of instructions which I have received by telegraph from the Marquis of Salisbury, to inform you that Her Majesty's Government considers the Arrangement as set forth in your Excellency's note of 14th (26th) November as being concluded between the two Parties by the exchange of notes which has now taken place.

I would therefore beg your Excellency to take the necessary steps in order that the proper orders may be at once given for putting the Arrangement into force as soon as possible.

I have, &c.
(Signed) N. R. O'CONOR.

No. 4.

Mr. O'Conor to the Marquis of Salisbury.—(*Received December* 13.)

(Extract.) *Sophia, December* 10, 1889.

WITH reference to my despatch of yesterday's date, I have now the honour to inclose herewith to your Lordship copy of a note which I have just received from M. Stransky, acknowledging my note of the 4th instant, and stating that the commercial Arrangement, as set forth in the communication from the Bulgarian Government of the 26th November, will be put into effect on the 1st January, 1890.

Your Lordship will observe that the Arrangement is limited to a term of two years. As by that time, however, the Treaties existing between Turkey and Austria and Germany will have expired, it is probable that the Bulgarian Government will either come to an understanding with the various foreign Governments for the general application of an 8 per cent. *ad valorem* import duty, or that all the countries will enter into negotiations for the conclusion of Commercial Treaties.

Inclosure in No. 4.

Dr. Stransky to Mr. O'Conor.

M. l'Agent, *Sophia, le* 28 *Novembre* (10 *Décembre*), 1889.

J'AI l'honneur de vous accuser réception de la note que vous avez bien voulu m'adresser le 4 Décembre courant (N. S.), pour m'informer que le Gouvernement de Sa Majesté Britannique adhère à l'Arrangement commercial provisoire dont les clauses sont énoncées dans ma note du 14 (26) Novembre.

Le Gouvernement Bulgare prenant acte de cette adhésion, je m'empresse à mon tour de porter à votre connaissance que l'Arrangement conclu entre nos deux États entrera en vigueur à partir du 1er Janvier (N. S.), 1890.

Veuillez, &c.
(Signé) DR. STRANSKY.

(Translation.)

M. l'Agent, *Sophia, November* 28 (*December* 10), 1889.

I HAVE the honour to acknowledge the receipt of the note which you were so good as to address to me on the 4th instant (N. S.), informing me that Her Britannic Majesty's Government adhere to the provisional commercial Arrangement, the clauses of which are set forth in my note of the 14th (26th) November.

The Bulgarian Government having taken act of this adhesion, I hasten to inform you that the Arrangement concluded between the two States will come into force on the 1st January (N. S.), 1890.

I have, &c.
(Signed) DR. STRANSKY.

No. 5.

Mr. O'Conor to the Marquis of Salisbury.—(*Received January* 13.)

My Lord, *Sophia, January* 9, 1890.

I HAVE the honour to transmit to your Lordship herewith a statement of the duties payable according to the Regulations now in force in Bulgaria for the importation of alcohol, gunpowder, salt, and tobacco, which articles are excluded from the provisional Commercial Arrangement lately concluded.

I have, &c.
(Signed) N. R. O'CONOR

Inclosure in No. 5.

Present Import Duty in Bulgaria on Salt, Tobacco, Alcohol, and Gunpowder.

Salt pays a duty of 11 fr. per 100 okes (or 286 lbs. English).

Tobacco is divided into two categories:—

(*a.*) Unmanufactured or leaf tobacco pays 8 per cent. on the fixed price of 7 fr. per kilog., as well as 1 fr. per oke excise.

(*b.*) Manufactured tobacco, cigarettes, &c., pay 8 per cent. on the fixed price of 30 fr. per kilog., as well as 6 fr. 60 c. per oke "banderolle," and 1 fr. per oke excise.

Alcohol, in addition to 8 per cent. *ad valorem* on cost price, pays an excise duty of 20 centimes per oke.

Gunpowder pays an 8 per cent. duty on a valuation fixed from time to time by the Minister of Finance; at present this valuation is as follows:—

Coarse or pebble powder, 3 fr. per kilog.; sporting powder, 6 fr. per kilog.; best quality powder, 8 fr. per kilog.: on all of which 8 per cent. is paid.

The foregoing rates are universal, whatever be the country from which the articles are imported.

COMMERCIAL. No. 7 (1890).

(BULGARIA,)

CORRESPONDENCE respecting a Provisional Commercial Agreement with Bulgaria.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COLOMBIA. No. 1 (1890).

TREATY

BETWEEN

GREAT BRITAIN AND THE REPUBLIC OF COLOMBIA

FOR THE

MUTUAL SURRENDER OF FUGITIVE CRIMINALS

Signed at Bogotá, October 27, 1888.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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Treaty between Great Britain and the Republic of Colombia for the Mutual Surrender of Fugitive Criminals.

Signed at Bogotá, October 27, 1888.

[*Ratifications exchanged at Bogotá, August* 21, 1889.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Colombia, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, William John Dickson, Esq., Her Minister Resident to the Republic of Colombia; and

His Excellency the President of the Republic of Colombia, Vicente Restrepo, Minister for Foreign Affairs of the said Republic;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

SU Excelencia el Presidente de la República de Colombia y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, habiendo juzgado conveniente, para la mejor administración de justicia y para la prevención del crímen en los dos países y en sus jurisdicciones respectivas, que las personas acusadas ó convictas de los delitos que en seguida se enumeran y que se hallen huyendo de la justicia, sean entregadas recíprocamente en ciertas circunstancias, han nombrado Plenipotenciarios para concluir un Tratado, á saber:

Su Excelencia el Presidente de la República de Colombia, á Vicente Restrepo, Ministro de Relaciones Exteriores de la misma; y

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, á William John Dickson, su Ministro Residente en la República de Colombia;

Quienes, despues de haberse comunicado sus respectivos plenos poderes y haberlos hallado en buena y debida forma, han convenido en los Artículos siguientes, y los han estipulado:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

ARTICULO I.

Las Altas Partes Contratantes se comprometen á entregarse recíprocamente, en las circunstancias y con las condiciones que en el presente Tratado se establecen, todas las personas que, siendo acusadas ó estando convictas de alguno de los delitos enumerados en el Artículo II, cometidos en el territorio de una de las Partes, se hallaren en el territorio de la otra Parte.

ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences:—

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.

ARTICULO II.

La extradicíon se concederá recíprocamente para los siguientes delitos:—

1. Homicidio (incluyendo asesinato, parricidio, infanticidio, envenenamiento), ó tentativa ó conspiración para cometerlo.

2. Manslaughter.

3. Administering drugs or using instruments with intent to procure the miscarriage of women.

4. Rape.

5. Unlawful carnal knowledge, or any attempt to have unlawful carnal knowledge, of a girl under 16 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties.

6. Indecent assault.

7. Kidnapping and false imprisonment, child-stealing.

8. Abduction.

9. Bigamy.

10. Maliciously wounding or inflicting grievous bodily harm.

11. Assault occasioning actual bodily harm.

12. Threats, by letter or otherwise, with intent to extort money or other things of value.

13. Perjury or subornation of perjury.

14. Arson.

15. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.

16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company, made criminal by any law for the time being in force.

17. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

18.—(*a.*) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

(*b.*) Forgery, or counterfeiting or altering, or uttering what is forged, counterfeited, or altered.

(*c.*) Knowingly making, without lawful authority, any instrument, tool, or engine adapted and intended for the counterfeiting of coin, or forgery of any paper money of the respective countries.

19. Crimes against Bankruptcy Law.

20. Any malicious act done with intent to endanger the safety of any person travelling or being upon a railway.

21. Malicious injury to property, if such offence be indictable.

22. Crimes committed at sea :—

(*a.*) Piracy by the law of nations.

2. Homicidio atenuado.

3. Administración de drogas ó uso de instrumentos con propósito de causar el aborto.

4. Violación ó forzamiento de mujer.

5. Ayuntamiento carnal ilegítimo ó tentativa para tenerlo con una niña de menos de 16 años de edad, si las pruebas que se produzcan justifican el enjuiciamiento por tales delitos conforme á las leyes de ambas Partes Contratantes.

6. Ultraje al pudor.

7. Secuestro de personas, retención ilegal ó robo de niños.

8. Rapto.

9. Bigamia.

10. Heridas ó lesiones corporales graves hechas con intención.

11. Asalto que ocasione daño corporal efectivo.

12. Amenazas, sea por cartas ó de cualquier otro modo, con propósito de estafar dinero ú otras cosas de valor.

13. Perjurio ó soborno de testigos.

14. Incendio voluntario.

15. Escalamiento ó forzamiento de habitación con intento criminal, robo ejecutado con violencia, ó hurto.

16. Abuso de confianza ó defraudación por un depositario, banquero, agente, factor, administrador, director, miembro ó empleado público de una Compañía, que se haga criminal conforme á las leyes vigentes.

17. Estafa de dinero ó papel moneda, de prendas valiosas ó de mercancías con falsos pretextos; recibo de dinero ó papel moneda, de prendas valiosas ó de otras propiedades con conocimiento de que han sido robadas ó ilegalmente obtenidas.

18.—(*a.*) Falsificación ó alteración de moneda ó papel moneda, ó circulación de moneda ó papel moneda falsos ó alterados.

(*b.*) Falsificación, imitación, alteración ó emisión de lo que ha sido falsificado, imitado ó alterado.

(*c.*) Construcción, á sabiendas, sin autorización legal de instrumento, utensilio ó aparato adaptado y destinado á la fabricación de moneda falsa, ó á la falsificación de papel moneda de los dos paises.

19. Delitos contra las leyes sobre bancarrota.

20. Toda acción maliciosa ejecutada con propósito de poner en peligro la seguridad de cualquiera persona que viaje en ferrocarril ó se halle sobre la linea férrea.

21. Daño malicioso á la propiedad, si el acto está erigido en delito.

22. Delitos que se cometan en el mar, á saber :—

(*a.*) Piratería, calificada conforme al derecho de gentes.

(*b.*) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

(*c.*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(*d.*) Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

ARTICLE III.

Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of Colombia, has already been tried and discharged, or punished, or is still under trial in the territory of Colombia or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Colombia, should be under examination for any other crime in the territory of Colombia or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which

(*b.*) Hundimiento ó destrucción de un buque en el mar, ó tentativa y conspiración para ejecutar estos hechos.

(*c.*) Sublevación ó conspiración para sublevarse, formada por dos ó más personas á bordo de un buque en alta mar contra la autoridad del capitán.

(*d.*) Asalto á bordo de un buque en alta mar con propósito de quitar la vida ó hacer grave daño corporal.

23. Trata de esclavos ejecutada con las circunstancias que la constituyen delito conforme á las leyes de ambos Estados

Asimismo se concede la extradición por la complicidad en cualquiera de los delitos antedichos, con tal de que esa complicidad sea punible conforme á las leyes de ámbas Partes Contratantes.

La extradición puede también ser concedida á voluntad del Estado de quién se solicite respecto de cualquiera otro delito por el cual pueda otorgarse de acuerdo con las leyes vigentes de ámbas Partes Contratantes.

ARTICULO III.

Cualquiera de los dos Gobiernos tendrá absoluta libertad para rehusar la entrega de sus propios súbditos al otro Gobierno.

ARTICULO IV.

La extradición no tendrá lugar si la persona reclamada de parte del Gobierno de Colombia ó de parte del de Su Majestad Británica ha sido ya juzgada y absuelta ó castigada, ó se halla todavía sometida á juicio en el Reino Unido ó en el territorio de Colombia, respectivamente, por el delito que motiva la demanda de extradición.

Si la persona reclamada por parte del Gobierno de Colombia, ó del de Su Majestad Británica, se hallare procesada por cualquiero otro delito en el Reino Unido ó en el territorio de Colombia respectivamente, se diferirá su extradición hasta la conclusión del juicio y el pleno cumplimiento de cualquier castigo á que haya sido sentenciada.

ARTICULO V.

No tendrá lugar la extradición si, con posterioridad á la comisión del delito ó á la iniciación de la causa, ó á haberse declarado convicto el individuo, ha quedado éste, por el trascurso del tiempo, exento de enjuiciamiento ó de castigo, conforme á las leyes del Estado á quien se le reclama.

ARTICULO VI.

El criminal fugitivo no será entregado si el delito respecto del cual se pide su extra-

his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison, or be brought to trial, in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning, to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

ARTICLE X.

A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed, or the person convicted, in that part of the dominions of

dición tiene carácter político, ó si él prueba que la demanda para su entrega ha sido hecha positivamente con la mira de juzgarlo ó castigarlo por un delito de carácter político.

ARTICULO VII.

La persona que haya sido entregada por extradición no podrá en ningún caso ser mantenida en prisión ó sometida á juicio en el Estado á quien se ha hecho la entrega, por ningún otro delito ni en consideración á ninguna otra causa que aquellos por los cuales haya tenido lugar la extradición, á menos que haya sido restituida ó haya tenido oportunidad de volver al Estado que la entregó.

Esta estipulación no es aplicable á los delitos cometidos después de la extradición.

ARTICULO VIII.

La demanda para la extradición se hará por medio de los Agentes Diplomáticos de las Altas Partes Contratantes respectivamente.

La demanda para la extradición de un acusado debe ir acompañada de la orden de arresto expedida por la autoridad competente del Estado que exija la extradición, y de aquellas pruebas que, conforme á las leyes del lugar donde se encuentre el acusado, hubieran de justificar su aprehensión si el delito hubiese sido cometido allí.

Si la demanda se refiere á un reo rematado, debe ir acompañada del fallo condenatorio dictado contra la persona convicta por el tribunal competente del Estado que hace la demanda de extradición.

La sentencia dictada *in contumaciam* no se considerará como fallo condenatorio; pero la persona sentenciada de esta manera pueda tratarse como cualquier individuo acusado.

ARTICULO IX.

Si la demanda de extradición estuviere de acuerdo con las anteriores estipulaciones, la autoridad competente del Estado al cual se dirija ésta, procederá á la aprehensión del prófugo.

ARTICULO X.

Un criminal fugitivo puede ser aprehendido por orden expedida por cualquier magistrado de policía, juez de paz, ú otra autoridad competente en ambos paises, por informes ó quejas, y por pruebas, ó después de procedimientos que, en opinión de la autoridad que dió la orden, justificarían la expedición de ésta, si el delito hubiese sido cometido ó el criminal condenado en aquella parte del territorio de los dos paises contra-

the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction; provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in Colombia as in the United Kingdom, if within the term of thirty days a requisition for extradition shall not have been made by the Diplomatic Agent of his country, in accordance with the stipulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE XI.

The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

ARTICLE XII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating, the fact of a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State.

2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.

tantes en la cual el magistrado, el juez, ú otra autoridad competente ejerzan jurisdicción; con tal, sin embargo, que en ese caso, en el Reino Unido el accusado sea enviádo con la brevedad posible á un magistrado de policia en Londres. De acuerdo con este Articulo, el acusado será puesto en libertad, tanto en Colombia como en el Reino Unido, si en el término de treinta dias no se solicitare su extradición por el Agente Diplomático de su pais conforme á las estipulaciones de este Tratado.

La misma regla se aplicará en los casos de personas acusadas ó convictas de los delitos especificados en este Tratado, y cometidos en alta mar, á bordo de algún buque de cualquiera de los dos Estados que llegue á un puerto del otro.

ARTICULO XI.

La extradición solo tendrá lugar si las pruebas fueren suficientes conforme á las leyes del Estado de quien se solicita, bien sea para justificar el sometimiento del procesado á juicio, caso qne el delito haya sido cometido en el territorio del mismo Estado, ó bien para probar que el reo es la misma persona sentenciada por los Tribunales del Estado que hace la demanda, y que el delito de que ha sido convicta es de aquellos respecto de los cuales podria haber sido concedida la extradición al tiempo de la sentencia, por el Estado de quién se solicita. Ningun criminal será entregado antes de haber trascurrido quince dias desde la fecha en que fué reducido á prisión en espera de la orden de entrega.

ARTICULO XII.

En la investigación que hayan de hacer, conforme á las anteriores estipulaciones, las autoridades del Estado demandado admitirán como pruebas las declaraciones juradas ó las deposiciones de testigos tomadas en el otro Estado, ó sus copias, así como también los autos y sentencias producidos allí, y los certificados que acrediten el hecho de la condenación, ó los documentos judiciales que la establezcan, con tal de que tales piezas se hallen autenticadas como sigue:—

1. Toda orden debe llevar la firma de un Juez, Magistrado, ó agente público del otro Estado.

2. Las declaraciones ó atestaciones ó sus copias deben ser certificadas de puño y letra del Juez, Magistrado ó agente público del otro Estado, con expresión de que son declaraciones originales, ó sus copias fieles según el caso.

3. A certificate of, or judicial document stating, the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State.

4. In every case, such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the other State; but any other mode of authentication for the time being permitted by law where the examination is taken may be substituted for the foregoing.

3. Todo certificado de condenacion, ó todo documento judicial en que conste el fallo condenatorio, debe ser certificado por un Juez, Magistrado, ó agente público del otro Estado.

4. En cada caso, la orden, declaración, atestación, copia, certificado, ó documento judicial, debe ser autenticado, ora por el juramento de algún testigo, ora por el sello oficial del Ministro de Justicia ó de algún otro Ministro del otro Estado; pero cualquiera otro modo de autenticación permitido por las leyes vigentes al tiempo de la investigación puede sustituirse por el anterior.

ARTICLE XIII.

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICULO XIII.

Si el individuo reclamado por una de las dos Altas Partes Contratantes conforme al presente Tratado fuere asimismo reclamado por otro ú otros Gobiernos, con motivo de otros delitos cometidos en sus respectivos territorios, la extradición se concederá al que primero haya hecho la demanda.

ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICULO XIV.

Si dentro de dos meses contados desde la fecha de la aprehensión del prófugo no se hubieren producido pruebas suficientes, ó dentro de la prórroga que ordene el Estado de quien se solicita la extradición ó el Tribunal competente de él, entónces el detenido será puesto en libertad.

ARTICLE XV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICULO XV.

Todos los bienes embargados al tiempo de su aprehensión al individuo reclamado se entregarán también cuando tenga lugar la extradición, si la autoridad competente del Estado de que ésta se solicita lo ordenare; y la entrega no sólo se extenderá á los objetos robados, sino también á todos aquellos que puedan servir como prueba del delito.

ARTICLE XVI.

All expenses connected with extradition shall be borne by the demanding State.

ARTICULO XVI.

Todos los gastos relacionados con la extradición serán de cargo del Estado que la solicitare.

ARTICLE XVII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a

ARTICULO XVII.

Las estipulaciones del presente Tratado serán aplicables á las Colonias y á las posesiones extranjeras de Su Majestad Británica, hasta donde lo permitan las leyes vigentes en tales Colonias y en tales posesiónes extranjeras respectivamente.

La demanda para la entrega de un reo

fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the chief Consular officer of the Republic of Colombia in such Colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Colombian criminals who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

prófugo que se haya refugiado en alguna de tales Colonias ó posesiónes extranjeras, se dirigirá al Gobernador ó á la autoridad principal de la Colonia ó posesión por el principal empleado Consular de la República de Colombia residente en ella.

Tal demanda pueda resolverse por dicho Gobernador ó por la principal autoridad, quienes quedan en libertad de conceder la extradición ó referir el asunto á su Gobierno, sujetándose, hasta donde sea posible, á este Tratado en cuanto las leyes de la Colonia ó de la posesión extranjera lo permitan.

Su Majestad Británica queda, sin embargo, en la libertad de hacer arreglos especiales en las Colonias Británicas y en las posesiónes extranjeras para la entrega de criminales Colombianos que se refugien en tales Colonias ó posesiones extranjeras, sobre la base de las disposiciones de este Tratado, en cuanto sea posible y hasta donde lo permitan las leyes de tal Colonia ó posesión extranjera.

Las demandas para la extradición de un reo prófugo procedentes de alguna Colonia ó posesión extranjera de Su Majestad Británica se ajustarán á las reglas establecidas en los Artículos anteriores del presente Tratado.

ARTICLE XVIII.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

The Treaty, after receiving the approval of the Congress of Colombia, shall be ratified, and the ratifications shall be exchanged at Bogotá as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Bogotá, this twenty-seventh day of October, in the year of our Lord One thousand eight hundred and eighty-eight.

(L.S.) W. J. DICKSON.
(L.S.) VICENTE RESTREPO.

ARTICULO XVIII.

El presente Tratado empezará á regir diez dias después de su publicación, en consonancia con las formalidades prescritas por las leyes de las Altas Partes Contratantes; y puede suspenderse por cualquiera de ellas, dando aviso á la otra dentro de un plazo que no exceda de un año ni sea menor de seis meses.

Este Tratado se ratificará después de su aprobación por el Congreso de Colombia, y las ratificaciones se canjearán en Bogotá, en el mas breve término posible.

En fe de lo cual los respectivos Plenipotenciarios firman el presente, y ponen sus sellos particulares.

Hecho en Bogotá, á veinte y siete de Octubre de mil ochocientos ochenta y ocho.

(L.S.) VICENTE RESTREPO.
(L.S.) W. J. DICKSON.

COLOMBIA. No. 1 (1890).

TREATY between Great Britain and the Republic of Colombia for the Mutual Surrender of Fugitive Criminals.

Signed at Bogotá, October 27, 1888.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS,

COMMERCIAL. No. 5 (1890).

(GREAT BRITAIN AND FRANCE.)

DECLARATION

BETWEEN THE

GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

AND THE

GOVERNMENT OF THE FRENCH REPUBLIC

WITH REFERENCE TO THE

DISPOSAL OF THE PROCEEDS OF WRECKS

ON THEIR

RESPECTIVE COASTS.

Signed at Paris, October 23, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

LONDON:
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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

[C.—5909.] *Price* 1*d.*

Declaration between the Government of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic, with reference to the Disposal of the Proceeds of Wrecks on their respective Coasts.

Signed at Paris, October 23, 1889.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration signed at London on the 16th June, 1879, by the following arrangements :—

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Gouvernement de la République Française, désirant régler par un nouvel accord les questions relatives à la liquidation des sauvetages sur les côtes des deux États, sont convenus de remplacer la Déclaration échangée à Londres le 16 Juin, 1879, par les dispositions suivantes :—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul-General, Consul, Vice-Consul, or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE I.

Lorsqu'un navire quelconque appartenant aux sujets de l'un des deux États Contractants fera naufrage ou échouera sur le littoral de l'autre, les autorités locales compétentes devront, dans le plus bref délai possible, porter le fait à la connaissance du Consul-Général, Consul, Vice-Consul, ou Agent Consulaire le plus rapproché du lieu de l'accident.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of Great Britain, and, reciprocally, the French Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE II.

Toutes les opérations relatives au sauvetage des navires Anglais qui naufrageraient ou échoueraient sur les côtes de France seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires de la Grande-Bretagne, et réciproquement, les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Français dirigeront les opérations relatives au sauvetage des navires de leur nation naufragés ou échoués sur les côtes de la Grande-Bretagne.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorized representatives, shall be present and shall claim it, the Consuls-

ARTICLE III.

Quand les propriétaires du navire ou de la cargaison, ou leurs représentants dûment autorisés, seront présents et le

General, Consuls, Vice-Consuls, and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for those incurred before the operations were handed over, and which may not have been already settled.

réclameront, les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires devront leur remettre la conduite des opérations de sauvetage en exigeant le dépôt des papiers de bord, ainsi que le remboursement des frais déjà faits et une garantie suffisante pour les dépenses engagées avant la remise et non encore liquidées.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the shipwrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandize saved.

In the absence, and until the arrival of the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons, and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the agents of the Consular service, or by their owners or their proxies.

In case absence, sickness, or any other cause should prevent the Agents of the Consular service from seeing to the operations and the management of the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

ARTICLE IV.

L'intervention des autorités locales n'aura lieu dans les deux pays que pour assister l'autorité Consulaire, maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence, et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

Cette intervention ne donnera lieu à aucun frais, sauf ceux que les opérations de sauvetage et la garde des objets sauvés auront rendus nécessaires, ainsi que ceux auxquels seraient soumis en pareille circonstance les navires nationaux, les frais seront soldés, suivant le cas, soit par les Agents du service Consulaire, soit par les propriétaires ou leurs mandataires.

Dans le cas où l'éloignement, la maladie, ou toute autre cause empêcheraient les Agents du service Consulaire de pourvoir aux opérations et à la gestion du sauvetage, les autorités locales qui resteraient chargées de ces opérations et de cette gestion seront tenues de remettre à ces Agents les papiers de bord et le produit net du navire et de la cargaison.

ARTICLE V.

The merchandize and articles saved shall not be liable to any customs duties, unless they are intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE V.

Les marchandises et les objets sauvés ne seront assujettis à aucun droit de douane, à moins qu'ils ne soient destinés à la consommation intérieure, auquel cas ils acquitteront les mêmes droits qu'ils auraient eu à payer s'ils avaient été importés par des navires nationaux.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of Her Britannic

ARTICLE VI.

Les stipulations de la présente Déclaration seront applicables à toutes les Colonies et possessions de Sa Majesté Britannique,

Majesty, excepting to those hereinafter named, that is to say, except to :—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Republic within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either Party may give notice of its intention to terminate it.

In witness whereof, the Undersigned Plenipotentiaries, his Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Excellency M. Eugène Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October, 1889.

(L.S.) LYTTON.

à l'exception de celles ci-après dénommées, savoir :—

L'Inde.
Le Canada.
Terre-Neuve.
Le Cap.
Natal.
La Nouvelle-Galles du Sud.
Victoria.
Queensland.
La Tasmanie.
L'Australie du Sud.
L'Australie Occidentale.
La Nouvelle-Zélande.

Toutefois, les stipulations de la présente Convention deviendront applicables à l'une des possessions ci-dessus indiquées si, en leur nom, une notification à cet effet a été adressée par le Représentant de Sa Majesté Britannique à Paris au Gouvernement de la République Française un an après la date de la présente Déclaration.

Les stipulations de la présente Déclaration seront applicables à toutes les Colonies et possessions de la France.

ARTICLE VII.

La présente Déclaration sera mise à exécution trois mois après la date de sa signature et demeurera en vigueur jusqu'à l'expiration d'une année à partir du jour où l'une des deux Parties Contractantes aura notifié son intention d'en faire cesser les effets.

En foi de quoi, les Plénipotentiaires Soussignés, son Excellence le Comte de Lytton, Ambassadeur de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et son Excellence M. Eugène Spuller, Ministre des Affaires Étrangères, ont revêtu de leurs signatures la présente Déclaration, et y ont apposé leurs cachets.

Fait à Paris, le vingt-trois Octobre, 1889.

(L.S.) E. SPULLER.

(GREAT BRITAIN AND FRANCE.)

DECLARATION between the Government of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic, with reference to the Disposal of the Proceeds of Wrecks on their respective Coasts.

Signed at Paris, October 23, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

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FRANCE. No. 1 (1890).

CORRESPONDENCE

RESPECTING THE

NEWFOUNDLAND FISHERIES:

1884-90.

Presented to both Houses of Parliament by Command of Her Majesty.
June 1890.

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22	Colonial Office	Aug. 31,	Erection of a French lobster factory at Port-au-Choix. Copy of a despatch from the Governor of Newfoundland. Suggests that a protest be addressed to French Government against this new industry, as involving a clear breach of Treaty stipulations	62
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28	Earl of Clanwilliam to Admiralty	14,	Seizure of cod-traps by French naval officers. Transmits copies of correspondence exchanged between British and French naval officers, the latter vindicating his action. Serious difficulties will continue to arise unless use of cod-traps is made illegal	70
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33	To M. Waddington ..	28,	Reply to No. 25. Information in the sense of above	77
34	Mr. Stanhope to Sir G. Des Vœux	30,	Decree prohibiting lobster fishing at Rocky Harbour. Instructing him to send a copy of the Decree, and suggesting that documents of this character should contain a clause reserving French Treaty rights	78
35	Sir G. Des Vœux to Mr. Stanhope	27,	Sir Ambrose Shea's departure for England, to urge upon Her Majesty's Government the views of the Colony with regard to the Bait Bill. Anxiety of the Government to obtain the Queen's sanction to this Bill	78
36	To M. Waddington ..	Nov. 24,	British and French lobster factories. Points out illegality of French establishments, and trusts they will be discontinued. British factories are not interfering with French fishing operations, and have existed for some years. Her Majesty's Government will agree to have such of them removed as may have been erected since the date of the Paris Arrangement	78

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38	Colonial Office	Dec. 22,	Colonial Order in Council prohibiting lobster fishing at Rocky Harbour. Governor's reply to No. 34. The Order in Council was not intended to apply to French fishermen. A Report from Colonial Ministers is expected	84
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41	Sir G. Des Vœux to Mr. Stanhope	Jan. 14,	Earnestly urges that the Bait Bill may receive the Queen's assent	88
42	Sir H. Holland to Sir G. Des Vœux	Feb. 3,	Reply to above. Reasons for which Her Majesty's Government are unable to advise the Queen to allow the Bait Bill to come into operation this year	92
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44	Colonial Office	12,	Colonial Order in Council prohibiting lobster fishing at Bonne Bay. Transmits copy of a despatch to the Governor of Newfoundland asking for a formal assurance on the part of his Ministers that the prohibition is not to apply to French fishermen	94
45	„ „	Mar. 21,	Bait Bill. Transmits copies of despatches from the Governor of Newfoundland, inclosing newspaper extracts relating to the attitude of Her Majesty's Government, and reporting that Mr. Thorburn and Sir Ambrose Shea are starting for England to make fresh representations	95
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Correspondence respecting the Newfoundland Fisheries: 1884–90.

No. 1.

The Earl of Derby to Governor Sir J. Glover.

Sir, *Downing Street, June* 12, 1884.

IN my despatch of the 18th December last* I informed the Officer administering the Government of Newfoundland of the appointment of Mr. Clare Ford, C.B., C.M.G., and Mr. E. B. Pennell as British Commissioners on the Commission to meet in Paris in connection with the Newfoundland Fisheries question.

These gentlemen, representing Her Majesty's Government, and M. Jagerschmidt and Captain Bigrel, acting on behalf of the Government of the French Republic, met in Paris on the 23rd January last, and the labours of the Commission were concluded at a meeting held on the 26th April, when an Arrangement was signed by the Commissioners.

I have now the honour to transmit to you a copy of that Arrangement, together with two inclosures accompanying it, which consist of a statement and Map referred to in Article II.

You will observe that the Arrangement has been entered into subject to the approval of the Governments of Great Britain and France; and Her Majesty's Government will not intimate their approval until the Colonial Government and Legislature have had an opportunity of studying its provisions, and of considering the great advantages which it affords for a settlement of the long outstanding and difficult question of the fisheries.

Before proceeding to explain the details of the present Arrangement, it may be convenient to recapitulate the provisions of the Treaties bearing upon the question.

They are as follows:—

By Article XIII of the Treaty of Utrecht, 1713, it was agreed that "The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Britain, and to that end the town and fortress of Placentia, and whatever other places in the said island are in the possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this Treaty, or sooner if possible, by the Most Christian King to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that, of the said Island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the gulf of the same name, sha.

* Not printed.

hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there."*

And by Article V of the Treaty of Paris, 1763, that "The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in Article XIII of the Treaty of Utrecht, which Article is renewed and confirmed by the present Treaty (except what relates to the Island of Cape Breton, as well as to the other islands and coasts in the mouth and in the Gulf of St. Lawrence); and His Britannic Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the Gulf of St. Lawrence on condition that the subjects of France do not exercise the said fishery but at the distance of 3 leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said Gulf of St. Lawrence. And as to what relates to the fishery on the coast of the Island of Cape Breton, out of the said gulf, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of 15 leagues from the coast of the Island of Cape Breton; and the fishery on the coast of Nova Scotia or Acadia, and everywhere else out of the said gulf, shall remain on the foot of former Treaties."

And by Article VI of the same Treaty, "The King of Great Britain cedes the Islands of St. Pierre and Miquelon in full right to His Most Christian Majesty, to serve as a shelter to the French fishermen; and His said Most Christian Majesty engages not to fortify the said islands; to erect no buildings upon them but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police."

And by Article IV of the Treaty of Versailles, 1783, that "His Majesty the King of Great Britain is maintained in his right to the Island of Newfoundland and to the adjacent islands, as the whole were assured to him by the XIIIth Article of the Treaty of Utrecht, excepting the Islands of St. Pierre and Miquelon, which are ceded in full right by the present Treaty to His Most Christian Majesty."

And by Article V of the said last-named Treaty, that "His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in 50° north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the north and descending by the western coast of the Island of Newfoundland, shall extend to the place called Cape Ray, situated in 47° 50′ latitude. The French fishermen shall enjoy the fishery which is assigned to them by the Treaty of Utrecht."

And by Article VI of the said last-named Treaty, that, "With regard to the fishery in the Gulf of St. Lawrence, the French shall continue to exercise it conformably to the Vth Article of the Treaty of Paris."

* "XIII. Insula, *Terra-Nova* dicta, unà cum Insulis adjacentibus, Juris Britannici ex nunc in posterum omnino erit; eumque in finem *Placentia* Urbs & Fortalitium, & si quæ alia Loca in dictâ Insulâ per *Gallos* possessa sint, per *Regem Christianissimum*, Commissionem eâ in parte à *Reginá Magnæ Britanniæ* habentibus, intra septem menses à commutatis hujus Tractatûs Ratihabitionum Tabulis, aut citiûs si fieri potest, cedentur & tradentur; neque aliquid Juris ad dictam Insulam & Insulas ullamve illius aut earundem partem, *Rex Christianissimus*, Hæredes ejus, & Sucessores, aut Subditi aliqui, ullo de hinc tempore in posterum sibi vindicabunt. Quinetiàm nec Locum aliquem in dictâ Insulâ de *Terra-Novâ* munire, nec ulla ibidem Ædificia, præter Contabulationes, & Tuguriola, Piscibus siccandis necessaria & consueta construere, neque dictam Insulam, ultra tempus Piscationibus & Piscibus siccandis necessarium, frequentare subditis Gallicis licitum erit. In eâ autèm tantummodo, nec ullâ aliâ dictæ Insulæ de *Terra-Novâ* parte, quæ à Loco, *Cap Bonavista* nuncupato, usque ad extremitatem ejusdem Insulæ septentrionalem protenditur, indeque ad Latus Occidentale recurrendo usque ad Locum, *Pointe Riche* appellatum, procedit, Subditus Gallicis Piscaturam exercere, & Pisces in Terrâ exsiccare permissum erit. Insula vero, *Cap Breton* dicta, ut & aliæ quævis, tàm in Ostio Fluvii *Sancti Laurentii*, quam in Sinu ejusdem nominis sitæ, Gallici Juris in posterum erunt; ibique Locum aliquem, seu Loca, muniendi facultatem omnimodam habebit *Rex* Christianissimus."

"L'Ile de Terre-Neuve, avec les îles adjacentes, appartiendra désormais et absolument à la Grande-Bretagne, et à cette fin le Roi Très Chrétien fera remettre à ceux qui se trouveront à ce commis en ce pays là, dans l'espace de sept mois à compter du jour de l'échange des ratifications de ce Traité, ou plutôt si faire se peut, la Ville et le Fort de Plaisance, et autres lieux que les François pourroient encore posséder dans la dite île, sans que le dit Roi Très Chrétien, ses Héritiers et Successeurs, ou quelques-uns de ses sujets puissent désormais prétendre quoique ce soit, et en quelque tems que ce soit, sur la dite île, et les îles adjacentes en tout ou en partie. Il ne leur sera pas permis non plus d'y fortifier aucun lieu, ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni aborder dans la dite île dans d'autres tems, que celui qui est propre pour pêcher, et nécessaire pour sécher le poisson.

"Dans la dite île il ne sera pas permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie, que depuis le lieu appelé Cap de Bonavista, jusqu'à l'extrémité septentrionale de la dite île, et de là en suivant la partie occidentale, jusqu'au lieu appelé Pointe-Riche. Mais l'île dit Cap Breton et toutes les autres quelconques, situées dans l'embouchure et dans le Golphe de Saint-Laurent, demeureront à l'avenir à la France, avec l'entière faculté au Roi Très Chrétien d'y fortifier une ou plusieurs places."

And by a Declaration of His Britannic Majesty, dated the 3rd day of September, 1783,* it was declared that "The King, having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland; and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts, and fishing-vessels.

"The XIIIth Article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing-vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing nor injuring their scaffolds during their absence.

"The King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations, and that the fishery between the said islands, and that of Newfoundland shall be limited to the middle of the channel."

And by a Counter-Declaration of His Most Gracious Majesty the King of France, dated the 3rd day of September, 1783,† it was declared that "The principles which have guided the King in the whole course of the negotiations which preceded the re-establishment of peace must have convinced the King of Great Britain that His Majesty has had no other design than to render it solid and lasting, by preventing as much as possible, in the four quarters of the world, every subject of discussion and quarrel.

"The King of Great Britain undoubtedly places too much confidence in the uprightness of His Majesty's intentions not to rely upon his constant attention to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

* "Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution, avec la bonne foi et la ponctualité qui lui sont connues, mais de plus donnera, de son côté, toute l'efficace possible aux principes qui empêcheront jusqu'au moindre germe de dispute à l'avenir.

"A cette fin, et pour que les pêcheurs des deux nations ne fassent point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent, en aucune manière, par leur concurrence, la pêche des François, pendant l'exercice temporaire qui leur est accordé, sur les côtes de l'Ile de Terre-Neuve; et elle fera retirer, à cet effet, les établissemens sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs François ne soient pas gênés dans la coupe de bois nécessaire pour la réparation de leurs échaffaudages, cabanes, et bâtimens de pêche.

"L'Article XIII du Traité d'Utrecht, et la méthode de faire la pêche qui a été de tout tems reconnue, sera le modèle sur lequel la pêche s'y fera. On n'y contreviendra pas, ni d'une part ni de l'autre; les pêcheurs François ne bâtissant rien que leurs échaffaudages, se bornant à réparer leurs bâtimens de pêche, et n'y hivernant point; les sujets de Sa Majesté Britannique, de leur part, ne molestant aucunement les pêcheurs François durant leurs pêches, ni ne dérangeant leurs échaffaudages durant leur absence.

"Le Roi de la Grande-Bretagne, en cédant les Iles de Saint-Pierre et de Miquelon à la France, les regarde comme cédées à fin de servir réellement d'abri aux pêcheurs François, et dans la confiance entière que ces possessions ne deviendront point un objet de jalousie entre les deux nations; et que la pêche entre les dites îles, et celle de Terre-Neuve, sera bornée à mi-canal."

† "Les principes qui ont dirigé le Roi, dans tout le cours des négociations qui ont précédé le rétablissement de la Paix, ont dû convaincre le Roi de la Grande-Bretagne, que Sa Majesté n'a eu d'autre but que de la rendre solide et durable, en prévenant, autant qu'il est possible, dans les quatre parties du monde, tout sujet de discussion et de querelle. Le Roi de la Grande-Bretagne met indubitablement trop de confiance dans la droiture des intentions de Sa Majesté, pour ne point se reposer sur l'attention constante qu'elle aura d'empêcher que les Iles St. Pierre et Miquelon ne deviennent un objet de jalousie entre les deux nations.

"Quant à la pêche sur les côtes de Terre-Neuve, qui a été l'objet des nouveaux arrangements dont les deux Souverains sont convenus sur cette matière, elle est suffisamment exprimée par l'Article V du Traité de Paix signé ce jourd'hui, et par la Déclaration remise également aujourd'hui par l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique; et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard.

"Pour ce qui est de la pêche entre l'Ile de Terre-Neuve et celles de St. Pierre et Miquelon, elle ne pourra se faire, de part et d'autre, que jusqu'à mi-canal, et Sa Majesté donnera les ordres le plus précis, pour que les pêcheurs François n'outrepassent point cette ligne. Sa Majesté est dans la ferme confiance que le Roi de la Grande-Bretagne donnera de pareils ordres aux pêcheurs Anglois."

"As to the fishery on the coasts of Newfoundland, which has been the object of the new arrangements settled by the two Sovereigns upon this matter, it is sufficiently ascertained by the Vth Article of the Treaty of Peace signed this day, and by the Declaration likewise delivered to-day by His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; and His Majesty declares that he is fully satisfied on this head.

"In regard to the fishery between the Island of Newfoundland and those of St. Pierre and Miquelon, it is not to be carried on by either party but to the middle of the channel; and His Majesty will give the most positive orders that the French fishermen shall not go beyond this line. His Majesty is firmly persuaded that the King of Great Britain will give like orders to the English fishermen."

And by further Treaties between the said Great Contracting Parties, viz., by Article VIII of the Treaty of Paris, 1814, it was agreed that "His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the Colonies, fisheries, factories, and establishments of every kind which were possessed by France on the 1st January, 1792, in the seas, on the Continents of America, Africa, and Asia, with exception, however, of the Islands of Tobago and St. Lucia, and the Isle of France and its dependencies, especially Rodrigues and the Seychelles, which several Colonies and possessions His Most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty." And by Article XIII of the said last-named Treaty, that "The French right of fishery upon the Great Bank of Newfoundland upon the coasts of the island of that name, and of the adjacent islands in the Gulf of St. Lawrence, shall be replaced upon the footing in which it stood in 1792." And by Article XI of the Treaty of Paris, 1815, that the Treaty of Paris of the 30th May, 1814, and the Final Act of the Congress of Vienna of the 9th June, 1815, are confirmed, and shall be maintained in all such of their enactments which shall not have been modified by the Articles of the present Treaty."

Under the provisions of these Treaties the French have hitherto maintained that they enjoy—

1. An exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Ray, passing round by the north of the island.

2. That all British fixed settlements, of whatever nature, on that portion of the coast are contrary to Treaty.

The British Government, on the other hand, have maintained—

1. That British subjects have a right to fish concurrently with the French, so long as they do not interrupt the latter.

2. That the undertaking in the Declaration of 1783, to cause the removal of fixed settlements, referred only to fixed fishing settlements, and that fixed settlements of any other kind are not contrary to the Declaration.

French fishermen have, moreover, been in the habit of fishing the rivers, and of barring them with nets or weirs, interrupting the free circulation of salmon, and thereby causing great injury to the salmon fishery.

The British Government, however, have always maintained that the French have no right to the fisheries in rivers.

The Government of France each year during the fishing season employ ships of war to superintend the fishery exercised by their countrymen, and in consequence of the divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the Treaties, questions of jurisdiction, which might at any moment have become serious, have repeatedly arisen.

Such being the provisions of the Treaties, and the construction placed upon them by the Governments and subjects of the two countries, practical difficulties have naturally occurred, and it has become of urgent importance that they should be removed.

The colonists have for some years past been desirous of developing the resources of their country as regards mines, agriculture, and other industries, but have constantly been met with the objections of the French Government to their doing so, and the development of the Colony on that part of the coast of Newfoundland where the French enjoy Treaty rights has been practically at a standstill, although rich mines are known to exist there, and the agricultural capabilities of the Colony are undoubtedly most valuable.

Your Government are aware that the present Commission is the eighth which has been appointed since the year 1846 for a settlement of the Newfoundland Fishery question, and it may be useful here to recapitulate briefly the various terms which have

been proposed in the previous negotiations as a basis of settlement, in order to show distinctly how much more favourable to the Colony is the present arrangement as compared with the terms proposed on any previous occasion.

In the year 1844 the French Government proposed negotiations to be held in London, and previous to opening them it was determined to appoint a British and French Commissioner in Newfoundland to report upon the question.

Captain Fabvre, Commander of the French Naval Station, and Mr. Thomas, President of the Chamber of Commerce at Newfoundland, were, in consequence, appointed by their respective Governments.

On the 30th July, 1844, Mr. Thomas made his Report to the Governor. In this Report he suggested, with regard to the French claim of "exclusive rights," that the respective fishermen of both nations should be kept separate and distinct in their fishing places. He also suggested the extension of the French fishery limits to Belle Isle North, and made suggestions with regard to the sale of bait to French fishermen.

This Report resulted in negotiations being held in Paris in the month of March 1846.

The British Commissioner, Sir A. Perrier, was authorized to offer, in exchange for the French cession of all rights between Cape Ray and Bonne Bay, the following concessions:—

Admission of *exclusive* right of fishery from Bonne Bay to Cape St. John, going round by the north.

Exclusive right of French fishery, drying, and curing at Belle Isle North.

Permission for English fishermen to sell bait at St. Pierre.

At preliminary Conferences held in Newfoundland these measures had nearly been agreed to by Mr. Thomas and Captain Fabvre; but Captain Fabvre was desirous of retaining for France, in addition to the exclusive rights above mentioned, her rights of fishing, curing fish, &c., at Cod Roy, Red Island, Port-à-Port, and Lark Harbour, and to acquire for the French a "concurrent" right of fishery on the coast of Labrador.

The instructions, however, to the French Commissioner did not admit of his negotiating on the above-mentioned principles, and as no new propositions were brought forward by the French Government up to the month of May 1847, the negotiations fell through.

On the application of the French Government in 1851 negotiations were renewed, Sir A. Perrier being again directed to proceed to Paris to act as British Commissioner, M. de Bon being appointed on the part of France.

The British Commissioner was instructed to invite proposals from the French Commissioner such as might form a starting-point in the negotiations.

M. de Bon accordingly proposed, on the part of France, to admit the right of British subjects to inhabit the Bay of St. George, or, in other terms, to give up the exclusive right of fishery in that bay, to which they considered themselves entitled by the Treaty of 1783. In return for this concession he demanded—

1. The right to purchase and fish for bait (herring and capelin) on the south coast of Newfoundland, without restriction.

2. The right to fish during two months of the year (without curing or drying on shore) on that part of the coast of Labrador situated between the Isles Vertes and the Isles St. Modeste, both included; and

3. The right of fishery at Belle Isle North, in the Straits, which the French Commissioner asserted was enjoyed by the French up to 1841, without any demur on the part of Great Britain.

The concessions demanded by the French negotiator were not considered admissible, and the British Commissioner, in order to overcome the difficulties arising out of the claim of Great Britain to a concurrent right of fishery, suggested that the question would be best settled if the rights of the fishermen of the two nations were kept separate and distinct. In order to carry out this suggestion, he proposed that the French rights should be made exclusive as against British subjects from Cape St. John to some point on the western coast, such as Cape Verte (Green Point, to the north of Bonne Bay); the French, on the other hand, to renounce their right altogether on the remainder of the coast, which would be that part where the British had been in the habit of carrying on the herring fishery and other fisheries incidental to the requirements of a fixed population.

The French negotiator offered no objection to the plan of recognizing the French "exclusive right" on a diminished extent of coast; but he contended for the retention of a "concurrent right" on that portion of the coast on which their exclusive claim might be renounced, and for other advantages as well, such as admission, concurrently with

British fishermen, to the fisheries of Labrador and North Belle Isle, and to the "bait fishery" on the southern coast, all of which, he maintained, were necessary, as an equivalent for admitting British subjects to a free "concurrent right" on the lower portion of the western coast.

The British Commissioner was disposed to accept the demands of the French so far as to extend the French fishery to North Belle Isle, and also to remove all restrictions on the purchase of "bait," on condition that the French should entirely renounce their rights between Cape Verte and Cape Ray; and in June 1855 he forwarded to the Foreign Office the above suggestions in the form of a counter-proposal to those which had been made by France.

Mr. Labouchere, Her Majesty's Secretary of State for the Colonies, concurred in the adoption of the British negotiator's project of a "compromise" as the basis of negotiation to be offered to the French Government. It corresponded, he believed, with the views of the Colonial authorities; deprived neither nation of any advantage of real value; and there would only be a reciprocal abandonment of barren rights and useless or nominal restrictions; and he prepared a draft Treaty which might be substituted for the whole of the existing engagements on the Newfoundland Fisheries question.

The negotiations were continued in the year 1856 by Captain Pigeard, who arrived in London in the month of July of that year, and by Mr. Merivale, the Under-Secretary of State for the Colonies. The basis of these negotiations was founded upon the counter-proposals made by Sir A. Perrier, and also upon the draft of the Treaty proposed by Mr. Labouchere. The negotiations finally terminated by the signature of a Convention in London on the 14th January, 1857.

According to the stipulations of this Convention,* a printed copy of which is annexed, an exclusive right of fishery and the use of the strand for fishery purposes was conceded to the French from Cape St. John, on the east coast of Newfoundland, to the Quirpon Islands, and from the Quirpon Islands, on the north coast, to Cape Norman, on the west coast, in and upon the following five fishery harbours, namely, Port-au-Choix, Small Harbour, Port-à-Port, Red Island, and Cod Roy Island, to extend, as regarded these five harbours, to a radius of 3 marine miles in all directions from the centre of each such harbour. On other parts of the west coast (the five harbours excepted) British subjects were to enjoy a "concurrent" right of fishing with French subjects, but French subjects were to have the exclusive use of the strand for fishery purposes from Cape Norman to Rock Point, in the Bay of Islands, north of the River Humber, in addition to the strand of the reserved harbours.

A "concurrent" right of fishing was also granted to French subjects on the coast of Labrador, from Blanc Sablon to Cape Charles, and of North Belle Isle.

With regard to the question of fixed establishments, the Convention of 1857 stipulated that no British buildings or inclosures should be erected or maintained on the strand reserved for French exclusive use. It was provided, however, that buildings which had stood for five successive seasons previous to the date of the Convention, without objection on the part of the French Government, should not be liable to removal without equitable compensation to the owners from the French Government. By the Convention a limited right of jurisdiction was conceded to the French, and French naval officers were to have the power to enforce the French exclusive rights of fishing by the expulsion of vessels or boats attempting concurrent fishing, in the case of there being no British cruizing vessel in sight or made known to be present within a distance of 5 marine miles. French naval officers were likewise entitled to take such measures as occasion might require to put French fishermen in possession of any portion of the strand of which their exclusive use for fishery purposes was recognized by the Convention.

It will thus be seen that, according to the terms of the Convention of 1857, France would have obtained an *exclusive* right of fishery on the northern extremity and north-eastern coast of Newfoundland, and also on five points on the western coast of the island.

This Convention did not come into force owing to the objections raised by the Government of Newfoundland.

In the year 1859 a Mixed Commission, composed, on the part of Great Britain, of Captain Dunlop and Mr. Kent (Colonial Secretary in Newfoundland), and, on the part of France, of M. de Montaignac de Chauvance and M. de Gobineau, was appointed to verify facts connected with the infraction of the Treaties; and at the close of that year the Commissioners furnished their Report, accompanied by recommendations which led to the reopening of negotiations in 1860.

* Convention of 1857.

The terms of a Convention, and of Joint Instructions to be given to the British and French naval officers on the Newfoundland Station, were then agreed on, and are inclosed (Inclosure 3*), but the negotiations fell through, mainly in consequence of the wording of Articles 4 and 15 of the Joint Instructions.

The 4th Article related to the punishment of offenders in fishery disputes, and the 15th Article had reference to the removal of such buildings on the French Shore as might interfere with the French fishery, with regard to which it was found impossible to reconcile the conflicting views.

It may be useful to quote *in extenso* the latter Article, as the use of one word in it contributed more than anything else to the failure of the negotiations.

It was to the following effect in the French version :—

"Toute construction qui sera élevée à l'avenir sans le consentement de la Commission des Pêcheries sera enlevée par l'ordre du Commissaire Britannique et sans indemnité, dans un délai de six mois de la notification qui en sera faite, si la place occupée par la dite construction est *requise* pour les besoins de la pêche Française."

It was proposed to substitute the words: "faite par la Commission que la place occupée par la dite construction est *nécessaire* pour les besoins de la pêche Française."

This alteration was proposed by the British Government in order to make the erections removable, not on a requisition from the French Government or its officer, but on notice from a Commission of which a British officer was a member. To this alteration the French Government objected on grounds with which it was difficult to deal, because they proceeded from an acknowledged difference of view between the two Governments. The British Government would, however, have been willing subsequently to waive their objections with regard to the wording of the 4th and 15th Articles of the stipulations which were framed in 1860, and to accept the arrangement with some trifling modifications; but on the matter being referred to the French Government the proposal was rejected, nor did the French Government give any reasons for their refusal to accept it.

In the month of October 1874 negotiations were again renewed with the French Government, Captain (afterwards Admiral) Miller being appointed on the part of Her Majesty's Government, and Captain de Boissoudy on that of France, and were continued, with various interruptions, during the course of the years 1875 and 1876, and, as you are aware, were not productive of any settlement.

In the course of these negotiations Her Majesty's Government received the assistance of Sir F. Carter, Premier of Newfoundland, who was in England at the time.

The arrangement which was originally contemplated on this occasion was founded on Resolutions, dated the 23rd April, 1874, adopted by the Newfoundland House of Assembly, and concurred in by the Legislative Council, and it embraced the following stipulations :—

1. The establishment of a Joint Naval Commission to take cognizance only of such matters as related to the fisheries; and in case of disagreement, reference to be made to the respective Governments; all other questions to be dealt with by competent authorities.

2. That the existing British settlements in St. George's Bay, Cod Roy, and Bay of Islands, Bonne Bay, and White Bay should remain undisturbed, and no interruption to be made by the French to fishing by the British in those bays, nor interference with their buildings and inclosures there, nor with any erections or buildings on any part of the coast where the French enjoy a temporary right of fishery which did not actually interfere with the fishery privileges of the French, as should be determined by the Commissioners; nor were British subjects to be molested in fishing on any part where they did not actually interrupt the French by their competition.

3. That no building or inclosure which had been erected for five years should be removed as interfering with the French fishery privileges without compensation to be determined on by the Commissioners; but no compensation to be payable for any such building or inclosure hereafter erected without the consent of the Commissioners.

4. That the Commissioners should determine the limit or boundary-line to which the French might prosecute their fishery, the British having the exclusive right of salmon and all other fishing in rivers.

5. That the breadth of strand of which the French should have the right of temporary use for fishery purposes should be defined; thus removing objections to grants of land for all purposes beyond the boundary so to be defined, and within the same for mining purposes; right being reserved to the British Government to erect on such strand works of a military or other public character, and to the British subjects for wharves and buildings necessary

* Proposed Convention of 1860, with Joint Instructions.

for mining, trading, and other purposes apart from the fishery in places selected with permission of Commissioners.

It was further recommended that the Colonial Legislature should state to Her Majesty's Government that they were not prepared to agree to any concessions to the Government of France which would convey to the French rights of fishery which they did not at present possess under existing Treaties; but that they would recommend the Legislature to consent that the valuable and important right to purchase bait, both herring and capelin, on the southern coast, should be conceded to the French at such times as British subjects might lawfully take the same upon terms which were to be agreed upon.

During the course of the negotiations which took place certain modifications of the above terms were introduced, which it is unnecessary to dwell upon here, inasmuch as the negotiations came to no result; but the above extracts have been quoted in order to show the nature of the arrangement which at that time was considered by the Government of Newfoundland as offering a satisfactory settlement of the Fisheries question; and it is obvious that had an arrangement been entered into at that period on the above-quoted bases, it would have been far less advantageous to the interests of the Colony than the one which has now been signed by the British and French Commissioners in Paris.

A period of five years now elapsed before fresh negotiations, by means of a Joint Commission, took place. In the year 1881 a Commission was appointed, Admiral Miller being again the British Commissioner, and Admiral Pierre being named on the part of France.

During the negotiations Sir William Whiteway was in London, and was constantly consulted by Her Majesty's Government as the negotiations proceeded.

Draft Articles were drawn up by the British Commissioner, with the concurrence of Sir William Whiteway, which it was hoped would offer to the French Government a satisfactory basis for discussion, and lead to an agreement being arrived at between the Commissioners of the two respective countries for a settlement of the question.

The basis of this Arrangement consisted in the appointment of a Commission, to be called a Commission of Demarcation, whose duty it would be to define and allot certain parts of the strand on which the French might exercise the rights conceded to them by Treaty, and the remainder of the coast to be released from Treaty stipulations; and it was contemplated to allot not more than one-half of any one harbour for the purpose of French use, and the amount of the strand inland was not to extend to a greater distance than one-third of a mile from high-water mark.

Moreover, in the allotments for French use there was to be reserved in each case to the British Government a sufficient space for the erection of wharves, &c., and other public works or buildings, which, however, were not to be erected without previous consent on the part of the French Government.

It was further contemplated that all establishments or settlements existing at the time, British or French, were, under certain provisos, to remain undisturbed.

In addition to the appointment of a Commission of Demarcation, a Mixed Commission was to be appointed, which was to be named the Fishery Commission, and was to act in conformity with Joint Instructions based on the Articles of the Agreement.

The duty of the Fishery Commission was to see that neither British nor French fishermen were interrupted in their fishing operations.

The Fishery Commission was to have power to punish any person contravening its orders or decisions, either by means of fines or seizure of property.

The French were to be allowed to leave their boats, &c., during the winter months, and to erect dwelling-houses for their guardians, who might be either French or British.

The French were to be allowed to purchase bait, both herring and capelin, on shore or at sea, on the southern coast of Newfoundland, at such times as British subjects might lawfully take the same, free from all duty or restriction not equally imposed on British subjects.

The French Commissioner, on being made acquainted with the substance of the draft Articles, reported at a meeting of the Commission that the French Government were unable to accept the arrangement embodied in them, stating that the principle of British and French occupying the same harbours and fishing-grounds could never be entertained.

It is not necessary to enter further on these negotiations, as they did not result in any agreement being come to.

On comparing the provisions of the various proposals enumerated above with those embodied in the present Arrangement, the advantages to the Colony offered by the latter will at once be seen.

The result under its provisions will be—

1. That fixed settlements of every description will be allowed on the very extended portions of the coast which are tinted in red on the Map, with the exception of fishing establishments which Her Majesty's Government have never contended to be permissible under the Treaties.

2. That the claim of the French to an exclusive right of fishery will be withdrawn, as the Arrangement recognizes the concurrent right of British fishermen to fish everywhere on the coast between Cape St. John and Cape Ray, under the condition of not interfering with or molesting French fishermen when in the exercise of their fishing industry.

3. That the claim of the French to the right of fishing in rivers, except at the mouths, as far as the water remains salt, is withdrawn, and the practice of barring the rivers is prohibited.

4. That all fixed settlements, fishery or otherwise, at present existing within the limits of that portion of the coast over which the French enjoy Treaty rights, will not be disturbed.

In previous negotiations the subject of fixed establishments received the earnest consideration of the British negotiators, and it was, on more than one occasion, contemplated to appoint Mixed Commissions to assess the amount of compensation which should be paid to the owners of property whose buildings were to be removed.

However desirable such a course might have been, great difficulty would probably have been experienced in carrying it into effect, and it might have given rise to many vexatious and complicated questions.

No such inconvenience can result under the very satisfactory provision of the present Arrangement dealing with this branch of the subject.

In return for the advantages to the Colony above enumerated, Her Majesty's Government would, under the present Arrangement, recognize little more than the *de facto* state of things existing as regards the acts of authority exercised every fishing season by the French cruizers in the waters over which the French Treaty rights extend, and the exercise of these acts on the part of French cruizers would only take place in cases of infraction of the very reasonable provisions of this Arrangement, and then only in the absence of any of Her Majesty's cruizers.

I may here observe that a Convention,* a copy of which is inclosed, was signed in 1881 at the Hague by the Representatives of certain Maritime Powers for the regulation of the fisheries in the North Sea. This Convention contains very useful provisions for the orderly prosecution of the fisheries in common by fishermen of different notionalities, and some of its provisions have been considered applicable to the case of the Newfoundland fisheries.

The stipulations of the North Sea Convention no doubt apply to waters which are not territorial, still the peculiar fisheries rights granted by Treaties to the French in Newfoundland invest those waters during the months of the year when fishing is carried on in them both by English and French fishermen with a character somewhat analogous to that of a common sea for the purposes of fishery. It could not be expected that the French would give up in favour of the development of the Colony the interpretation they place on the Treaties, without obtaining in return some equivalent by which they will in the future be better able to secure for their fishermen the full enjoyment of their fishing industry, and it appears to Her Majesty's Government that little inconvenience is likely to result from the exercise of the limited right accorded to French cruizers by the present Arrangement.

The French Government have invariably maintained that the establishment of a fixed population on any portions of the coast on which they enjoy Treaty rights must result in their ultimate exclusion from those spots, through French fishermen being virtually debarred from enjoying the free and uninterrupted exercise of the fishery rights accorded to them; and they instance the cases of the Bay of St. George on the west coast and of Conche on the east coast, where such a condition of affairs has arisen.

In agreeing, therefore, to the opening of all those extensive portions of the coast tinted red on the Map to a fixed population, the French Government naturally, and, in the opinion of Her Majesty's Government, not unreasonably, ask in return that they may be enabled to exercise, in cases where none of Her Majesty's cruizers may actually be present, such an amount of supervision as may insure an uninterrupted enjoyment of the fisheries by their countrymen in these waters.

Any inconvenience which might possibly be entailed by this arrangement would be obviated, if necessary, by a closer supervision being exercised on the part of Her

* Convention (1881) relating to Regulation of North Sea Fisheries.

Majesty's cruizers of those portions of the coast where the cruizers of the French navy may be stationed, and, indeed, it is contemplated that two of Her Majesty's cruizers should in future cruize more especially off the northern portion of the coast, where the French are in the habit of carrying on their principal fisheries.

It will be further observed that the fishery rights of the British are not in any way curtailed, but are, on the contrary, strengthened, their right of concurrent fishery being, as already pointed out, now recognized by the French.

In conclusion, I have to inform you that Her Majesty's Government have thought it desirable that the British Commissioners who attended the Commission in Paris should proceed to Newfoundland, in order to offer any explanations of the present Arrangement which your Government may desire to receive; and Her Majesty's Government confidently trust that your Ministers will view the Arrangement in the same light as that in which it is regarded by Her Majesty's Government, namely, as being most a advantageous one to the interests of the Colony, and as affording a means of avoiding the recurrence of those irritating questions which have so constantly arisen in connection with the Newfoundland Fisheries question, and, moreover, as greatly diminishing the risk of any conflicts between the fishermen of the two nations.

The British Commissioners will sail for Newfoundland on the 17th instant, and will present this despatch to you on their arrival.

Her Majesty's Government would be gratified if your Ministers should find it in their power to convene a special meeting of the Legislature as soon as may be possible, in order that the necessary Acts may be passed to give effect to those portions of the Arrangement which require legislative action, so that its provisions may be brought into operation at as early a date as possible.

I have, &c.
(Signed) DERBY.

Inclosure in No. 1.

Arrangement signed at Paris, April 26, 1884, *relating to the Newfoundland Fisheries Question.*

(Cancelled and superseded by "Arrangement" signed November 14, 1885.)

THE undersigned Commissioners, who have been appointed by the Governments of Great Britain and France in order to find means, without touching the Treaties at present in force, which it is not their duty either to modify or interpret, of preventing and regulating disputes relative to the exercise of the fishery on the coast of Newfoundland, have framed in concert the following Regulations, subject to the approval of their respective Governments:—

ARTICLE I.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to comply with the following Regulations for securing to French fishermen, in execution of the Treaties in force, and particularly of the Declaration of 1783, the free exercise of their industry on the coasts of Newfoundland without any interference or obstruction whatever on the part of British subjects.

ARTICLE II.

The Government of the French Republic engages, on its part, in exchange

LES Commissaires soussignés, délégués par les Gouvernements de Grande-Bretagne et de France, à l'effet de rechercher, en dehors des Traités actuellement en vigueur qu'ils n'avaient mission ni de modifier ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche sur les côtes de Terre-Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes:—

ARTICLE Ier.

Le Gouvernement de Sa Majesté la Reine du Royaume-Uni de Grande-Bretagne et d'Irlande, s'engage à se conformer aux dispositions ci-après pour assurer aux pêcheurs Français, en exécution des Traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie sur les côtes de Terre-Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE II.

Le Gouvernement de la République Française s'engage, de son coté, en échange

for the security accorded to French fishermen by the application of the Regulations contained in the present Arrangement, not to raise any objection against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Raye which are tinted in red on the Map* hereto annexed and which do not appear in the Statement* also annexed describing the portions of the coast to which the present paragraph does not apply.

It engages equally not to disturb the resident British subjects in respect of the establishments actually existing on those parts of the coast comprised between Cape St. John and Cape Raye passing by the north, but no new ones will be established on those parts of the coast described in the statement mentioned in the preceding paragraph.

ARTICLE III.

It is understood that French citizens shall retain in full on all those parts of the coast comprised between Cape St. John and Cape Raye, the right as it is defined by Treaty of fishing, of drying, and curing their fish, &c., as well as of cutting wood, in all parts, except on inclosed property, necessary for fishing stages, huts, and fishing boats.

ARTICLE IV.

The superintendence and the police of the fisheries shall be exercised by the ships of war of the two countries, in accordance with the conditions hereafter set forth, the Commanders of these ships having sole authority and competency under these conditions in all matters relating to the fisheries and the operations which result therefrom.

ARTICLE V.

French and English fishing ships or boats shall be registered in accordance with the administrative Regulations of the country to which they respectively belong, and shall bear distinctive marks in a visible manner, which will allow of their being easily recognized at a distance. The captains, masters, or persons in charge must have with them documents establishing the nationality of their ships or boats.

de la sécurité accordée aux pêcheurs Français par l'application des dispositions contenues dans le présent Arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries sur les parties de la côte de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye qui sont teintées en rouge sur la Carte ci-annexée et qui ne figurent pas dans l'État, également ci-annexé, comprenant les portions de territoire auxquelles ne s'appliquent point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint-Jean et le Cap Raye, en passant par le nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'État mentionné au paragraphe précédent.

ARTICLE III.

Il est entendu que les Français conserveront dans sa plénitude sur toutes les parties de la côte comprise entre le Cap Saint-Jean et le Cap Raye, et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages, cabanes, et bâtiments de pêche.

ARTICLE IV.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées, les Commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE V.

Les navires ou bateaux de pêche Français et Anglais seront enregistrés, suivant les Règlements administratifs du pays auquel ils appartiennent, et devront porter d'une manière apparente des marques distinctives permettant de constater à distance leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

* The Map and Statement here referred to are identical with those annexed to the subsequent Arrangement of November 14, 1885. See Inclosures 2 and 3 in No. 10, pp. 27-29.

ARTICLE VI.

The Commanders of cruizers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation of the Regulations set forth in the preceding Article.

ARTICLE VII.

The cruizers of the two countries shall have authority to record all infractions of the Treaties actually in force, and especially of the Declaration of 1783, according to the terms of which British subjects are not to "interrupt in any manner the fishery of the French by their competition during the temporary exercise of it which is granted to them upon the coasts of Newfoundland."

ARTICLE VIII.

On a complaint being made by French fishermen or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the Commanders of the English cruizers shall oppose, and, in case of no English cruizer being in sight, the Commanders of the French cruizers may oppose, every fishing operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or ships causing the obstruction to such industry.

With this object the Commanders of French cruizers may address to the offending parties the necessary warnings, and, in case of resistance, take their fishing implements in order to place them on shore or to give them up into the hands of the Commanders of Her Britannic Majesty's cruizers.

In cases in which no interruption shall result to French fishermen, and in which neither a complaint nor a demand has been made to enable them to exercise without difficulty their right of fishing, the Commanders of French cruizers shall not oppose the fishing operations of British subjects.

ARTICLE IX.

In cases in which residents on shore may interfere with or disturb by their acts the drying and the preparation of fish, and in general the various operations which are a consequence of the exercise of the French fishery on the coast of Newfoundland, a report verifying the damage caused shall be drawn up by the Commanders of the cruizers of Her Bri-

ARTICLE VI.

Les Commandants des bâtiments croiseurs se signaleront mutuellement les infractions aux Règles établies par l'Article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE VII.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux Traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets Britanniques ne doivent "troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve."

ARTICLE VIII.

Sur la plainte des pêcheurs Français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les Commandants des bâtiments croiseurs Anglais s'opposeront, et, s'il n'y a aucun croiseur Anglais en vue, les Commandants des bâtiments croiseurs Français pourront s'opposer à toute opération de pêche des sujets Britanniques qui gênerait l'industrie des dits pêcheurs Français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les Commandants des bâtiments croiseurs Français pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou les remettre entre les mains des Commandants des croiseurs de Sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs Français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les Commandants des croiseurs Français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

ARTICLE IX.

Dans le cas où des résidents gêneraient ou troubleraient à terre, par leurs actes, le séchage et la préparation du poisson, et en général les diverses opérations qui sont la conséquence de l'exercice de la pêche Française sur la côte de Terre-Neuve, un procès-verbal de constatation du dommage causé sera dressé par les Commandants des bâtiments croiseurs de

tannic Majesty, and, in their absence, by the Commanders of the French cruizers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the Commanders of Her Majesty's cruizers in the exercise of their functions as Justices of the Peace.

ARTICLE X.

If an offence is committed or damage caused, the Commanders of cruizers of the nationality to which the offender belongs, and in their absence, the Commanders of the cruizers of the nationality to which the plaintiff belongs, shall estimate the gravity of the facts brought to their knowledge, and shall record the damage sustained by the plaintiff.

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a Report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter. This Report shall be admitted in evidence in the judicial proceedings to be taken thereon so far as their powers extend by the Commanders of the cruizers of the nationality to which the offending party belongs.

Should the matter appear to be of sufficient gravity to justify such a step, the Commander of the cruizers of the nationality to which the plaintiff belongs, shall have the right if no cruizer of the nationality to which the offender belongs be in sight, to secure either the person of the offender or his boat, in order to give them up into the hands of the Commanders of the cruizers of the nationality to which they belong.

ARTICLE XI.

The Commanders of British and French cruizers shall administer immediate justice within the limits of their powers, with regard to the complaints brought to their notice either by the interested parties directly, or through the Commanders of the cruizers of the other nation.

ARTICLE XII.

Resistance to the directions or injunctions of Commanders of cruizers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruizer, be considered as resistance to the competent authority for repressing the act complained of.

Sa Majesté Britannique, et, en leur absence, par les Commandants des croiseurs Français.

Dans ce dernier cas, le procès-verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les Commandants des croiseurs de Sa Majesté Britannique.

ARTICLE X.

Si un délit est commis ou un dommage causé, les Commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les Commandants des bâtiments croiseurs de la nationalité du plaignant, apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès-verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis. Le procès-verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les Commandants des croiseurs de la nationalité du délinquant.

Si le cas lui semble assez grave pour justifier cette mesure, le Commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délinquant, de s'assurer soit de la personne du dit délinquant, soit de son bateau, pour les remettre entre les mains des Commandants des bâtiments croiseurs de leur nationalité.

ARTICLE XI.

Les Commandants des bâtiments croiseurs Anglais et Français devront, dans la limite de leur compétence, faire droit d'urgence aux plaintes dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des Commandants des croiseurs de l'autre nation.

ARTICLE XII.

La résistance aux prescriptions ou injonctions des Commandants des bâtiments croiseurs chargés de la police de la pêche, ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE XIII.

When the act alleged is not of a serious character, but has, nevertheless, caused damage, the Commanders of cruizers shall be at liberty, should the parties concerned agree to it, to arbitrate between them, and to fix the compensation to be paid.

ARTICLE XIV.

The French Government abandons for its subjects the salmon fisheries in rivers, and only reserves a right to the salmon fishery in the sea and at the mouths of rivers up to the point where the water remains salt, but it is forbidden to place fixed barriers capable of impeding interior navigation or the circulation of the fish.

ARTICLE XV.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape St. John and Cape Raye, passing by the north, of all articles, goods, provisions, &c., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

They shall also be exempt on the same part of the coast from the payment of all light and port dues and other shipping dues.

ARTICLE XVI.

French fishermen shall have the right to purchase bait, both herring and capelin, on shore or at sea, on the shores of Newfoundland, free from all duty or restriction, subsequent to the 5th April in each year, and up to the close of the fishing season.

ARTICLE XVII.

The employment of French subjects in the proportion of one family to each establishment is authorized for the guardianship of the French establishments out of the fishing season.

ARTICLE XVIII.

All fishing-boats, all their small boats, all rigging, gear, nets, lines, buoys, and other fishing implements whatsoever, found or picked up, shall, as soon as possible, be delivered to the competent authorities of the nation of the salvor.

The articles saved shall be restored to the owners thereof or to their representa-

ARTICLE XIII.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins, il aura occasionné des dommages, les Commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE XIV.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau, et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées, mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE XV.

Les pêcheurs Français seront exempts de toute taxe pour l'introduction dans la partie de l'Ile de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, de tous objets, matières, vivres, &c., nécessaires à leur industrie, à leur subsistance, et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également dans cette même partie de l'île affranchis de tout droit de phare, de port, ou autre droit de navigation.

ARTICLE XVI.

Les pêcheurs Français auront le droit d'acheter la boitte, hareng et capelan, à terre ou à la mer, dans les parages de Terre-Neuve, sans droits ni entraves quelconques postérieurement au 5e jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

ARTICLE XVII.

L'emploi de sujets Français à raison d'une famille par établissement, est autorisé pour la garde des emplacements Français, en dehors de la saison de pêche.

ARTICLE XVIII.

Tout bateau de pêche, tout canot, tout objet d'armement ou de gréement de bateau de pêche, tout filet, ligne, bouée ou engin quelconque, qui aura été trouvé, ou recueilli, devra aussitot que possible être remis aux autorités compétentes de la nation du sauveteur.

Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par

tives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

ARTICLE XIX.

The provisions of the present Arrangement, with the exception of those contained in Articles 1 and 2, shall be applicable solely for the time during which the Treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present Arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 26th April, 1884.

(Signed)
FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

ARTICLE XIX.

Les dispositions du présent Arrangement, à l'exception de celles des Articles 1 et 2, seront applicables uniquement pendant le temps durant lequel les Traités accordent aux Français le droit de pêcher et de sécher le poisson.

En foi de quoi les Commissaires soussignés ont dressé le présent Arrangement, sous réserve de l'approbation de leurs Gouvernements respectifs, et y ont opposé leur signature.

Fait à Paris, en double exemplaire, le 26 Avril, 1884.

(Signé)
CH. JAGERSCHMIDT.
J. BIGREL.

No. 2.

Governor Sir J. Glover to the Earl of Derby.—(Received July 24.)

My Lord, *Government House, St. John's, Newfoundland, July 16, 1884.*

AT a Council held this morning I had laid before me the accompanying Minute upon which my Ministers have agreed in regard to the Convention signed at Paris on the 26th April, 1884, by the English and French Commissioners.

2. Your Lordship will observe that my Ministers desire two modifications in the proposed scheme, namely, facilities for the export of minerals from harbours not tinted red on the Map; and that the French guardians should be limited to one family in each harbour.

I have, &c.
(Signed) JOHN H. GLOVER.

Inclosure in No. 2.

Extract from Minutes of Council, July 15, 1884.

THE Council have had under consideration the Arrangement agreed to by Messrs. Ford and Pennell, Commissioners appointed by Her Majesty's Government, and by M. Jagerschmidt and Captain Bigrel, on the part of the Government of France, with regard to the Newfoundland Fisheries question, together with a despatch, dated the 12th June, 1884, of the Right Honourable Secretary of State for the Colonies to his Excellency the Governor on this subject.

The Council appreciate the endeavours of Her Majesty's Government to effect an arrangement for the prevention of the difficulties periodically recurring between the fishermen of both nations.

It is to be regretted that Her Majesty's Government have not been enabled to secure to British subjects to the full extent those rights for which the Government of Newfoundland have contended, and which are set forth in the Resolutions adopted by the Local Legislature, dated the 23rd April, 1874, to the principles of which Resolutions the Council still adhere.

Reciprocating the solicitude of Her Majesty's Government for the attainment of the object in view, the Council confide in the assurance of the Right Honourable Lord Derby,

in his despatch above quoted, that under the proposed Arrangement the claim of the French to an exclusive right of fishery is withdrawn, and the concurrent right of British fishermen recognized to fish everywhere on the coast between Cape St. John and Cape Ray, provided they do not actually interfere with or molest French fishermen in the exercise of their fishing industry.

With regard to complaints and offences, the adjudication of which would rest solely with the Commanders of French cruizers, the Council must rely upon an equitable construction being applied to the terms of the Treaties; and they trust that a vigilant exercise by the British cruizers of the powers conferred on them, sustained by Her Majesty's Government, will insure to British subjects the full enjoyment of those privileges contemplated by the proposed Arrangement. In a word, the Council feel assured that the whole proposition will be carried out in the spirit of equity and mutual consideration essential to its success.

Wich these views the Council would respectfully urge that the following modifications may be effected, in such manner as Her Majesty's Government may deem best adapted to the attainment of the ends desired.

An erroneous estimate appears to have obtained of the value of that portion of the coast tinted red on the Map accompanying the present proposals. Although this extent of coast is apparently open to British occupation, yet that portion between Bonne Bay and Cat's Arm in White Bay is impossible of settlement, inasmuch as the harbours and landing-places within these limits are practically reserved for the use of the French. It is believed that in the vicinity of some of these harbours there are valuable mineral deposits, and unless means of ingress and egress are afforded, such deposits cannot be worked. The present Arrangement should therefore contain a provision allowing of the erection of wharves and buildings necessary for working and shipping purposes in these harbours. Such erections could not interfere with or incommode the fishing operations of the French. The sites to be determined by the British and French Commanders of cruizers on the coast.

Article XVII appears to be objectionable on the ground that it would operate as a basis for the formation of the permanent settlement of a French population on the coast. The guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that period of the year when the French, by Treaty, are to be absent from the coast.

The Council are convinced that the Legislature, as well as the Executive, in entering upon this important question, will be animated by a desire to meet as far as possible the views of Her Majesty's Government regarding a satisfactory settlement, and they believe that the acceptance of the modifications above suggested would tend materially to commend the arrangement to the favourable consideration of both Houses.

The Council regret that under present circumstances the holding of a Session of the Legislature before the usual period of the year would be attended with such difficulties and inconveniences that they are obliged to deem it inexpedient, and feel unable to meet the desire of Her Majesty's Government in relation to this matter.

(Signed) E. D. SHEA, *Clerk,*
Executive Council.

No. 3.

The Earl of Derby to Governor Sir J. Glover.

Sir, *Downing Street, August* 9, 1884.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th July, inclosing a Minute of Council respecting the Arrangement for the settlement of the Newfoundland Fishery question.

I have read the Minute with satisfaction, and Her Majesty's Government will use their best endeavours to procure the acceptance by the French Government of the modifications in the Convention which are suggested.

I have, &c.
(Signed) DERBY.

No. 4.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, November 22, 1884.*

WITH respect to the proposed Fisheries Arrangement, the French Commissioners are ready to agree to one guardian for each harbour, except in the case of large harbours where their establishments are at a distance from each other. Reply as soon as possible whether your Government agree, and ask them to suggest a wording of the Article to meet this case. The British Commissioners hope to be able to carry the modification desired by your Government as regards the question of wharves in harbours.

No. 5.

Governor Sir J. Glover to the Earl of Derby.—(Received November 24, 1884.)

(Telegraphic.)

PROPOSED Fisheries Arrangement.

My Government are willing to assent to the suggested modification as to guardians in the case of large harbours, if that is the only point in dispute. They consider that the Article should run thus: "except in large harbours where the temporary fishing-rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such rooms, and in such harbours two guardians may be appointed."

No. 6.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, January 31, 1885.*

FISHERY question.

There is every prospect of obtaining modification in respect of guardians in accordance with text suggested by Colonial Government, and modification in respect of wharves as worded in following draft Article to follow Article II:—

"As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object, a wharf may be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruizers of the two nations; all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workmen's houses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed Statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed Statement." End of proposed Article; Statement referred to accompanies Article II.

It is hoped that if buildings are placed beyond distances defined in Statement, but are connected by rail with the wharves, the requirements of Colonial Government will be practically met. It is of great importance that Her Majesty's Government should receive assurance from Colonial Government that the Legislature will probably agree to Arrangement of the 26th April with modifications as above indicated. Her Majesty's Government would highly appreciate friendly co-operation of Newfoundland Government and Legislature in bringing to a settlement and thus concluding this question affecting their relations with France.

No. 7.

Governor Sir J. Glover to the Earl of Derby.—(*Received February* 6.)

(Telegraphic.) *February* 5, 1885.

REFERRING to your telegram,* which has been submitted to Government here, they consider that proposed alteration of the modifications suggested by them with regard to wharves and buildings in case of discovery of mines in neighbourhood of portion of coast set aside for the French will prohibit the working of mines within the limits mentioned in Arrangement; buildings of certain description being quite indispensable to working in mines. A favourable reception of Arrangement of 26th April by the House of Legislature, meet on the 12th February, would be seriously affected by these restrictions. Colonial Government are most desirous of co-operating with Her Majesty's Government in settling the matter.

No. 8.

The Earl of Derby to Governor Sir J. Glover.

(Telegraphic.) *Downing Street, February* 10, 1885.

OBJECT of French Government is to discourage population where French fishery establishments particularly situated. Her Majesty's Government regard as hopeless to endeavour to induce French Government to agree to buildings within prescribed limits in harbours not tinted red on Map unless it is stipulated that they shall not be used as residences. They could propose, if this would meet views of your Government, that, with the above reservation, constructions necessary for shelter of mining apparatus and storage of minerals might be permitted within those limits on sites to be approved by common agreement between the Commanders of cruizers of two nations. Would your Government suggest wording of Article in this sense?

No. 9.

Governor Sir J. Glover to the Earl of Derby.—(*Received February* 12.)

(Telegraphic.) *February* 11, 1885.

BUILDINGS within prescribed limits in harbours not tinted red on Map shall be understood to mean all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings, which are not permitted within the said limits.

No. 10.

Colonel Stanley, M.P., to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, January* 26, 1886.

IN his despatch to the late Governor of Newfoundland of the 12th June, 1884,† my predecessor transmitted a copy of the Arrangement signed at Paris on the 26th April of that year, for the regulation of the Newfoundland fisheries, and for settling the difficult questions connected therewith.

Lord Derby in that despatch explained the rights enjoyed by the French under the Treaties in force bearing upon the question; he described the various attempts made from time to time to settle the points in dispute between the Governments of France and Great Britain, and showed the advantages offered by the Arrangement then forwarded as compared with the terms contemplated in all previous proposals for a settlement.

The British Commissioners who attended the Commission in Paris proceeded, as you aware, to St. John's at the same time with the despatch, in order to offer any explanations which the Government of Newfoundland might desire to receive upon the subject of the Arrangement, which was one which Her Majesty's Government regarded not only as most advantageous to the interests of the Colony, but also as affording a means of avoiding the recurrence of those irritating questions which had so constantly arisen, and as calculated to diminish greatly the risk of any conflicts between the fishermen of the two nations.

During their visit to Newfoundland the British Commissioners were in constant

* No. 6. † No. 1.

communication with the Colonial Government, whose consideration of the Arrangement resulted in a Minute of Council, dated the 15th July, 1884, in which they stated that the Colonial Legislature, as well as the Executive, would be animated by a desire to meet, as far as possible, the views of Her Majesty's Government regarding a satisfactory settlement, but they urged that certain modifications should be made in the Arrangement which would tend materially to commend it to the favourable consideration of both Houses of the Colonial Legislature. The modifications they desired were the following:—

That the Arrangement should contain a provision allowing the erection of wharves and buildings necessary for working mines and for shipping purposes in those harbours of the coast of Newfoundland not tinted red on the Map accompanying Article II of the Arrangement, the sites to be determined by the British and French Commanders of cruizers on the coast, and that Article XVII of the Arrangement should be modified to this extent, viz., that the guardians indicated should be limited to one French guardian and his family for each harbour, for the purpose of taking care of French property during that portion of the year when the French are obliged by Treaty to be absent from the coast.

With regard to this latter point, the Colonial Government subsequently agreed that in large harbours two French guardians should be allowed.

In reply to the Governor's despatch forwarding this Minute of Council to the Secretary of State, Lord Derby informed the Governor that he had read the Minute with satisfaction, and that Her Majesty's Government would use their best endeavours to procure the acceptance by the French Government of the modifications in the Arrangement which were suggested.

Negotiations with this object were subsequently resumed by the same Commission, and my predecessor informed the Governor of Newfoundland, by his telegram of the 31st January, that there appeared to be every prospect of obtaining the modification in respect of guardians suggested by the Colonial Government, and a modification with regard to wharves, as worded in following draft Article to follow Article II: "As often as and notwithstanding the prohibition stipulated at the end of the second paragraph of the preceding Article, and in the case in which a mine shall be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection against the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fishery. With this object a wharf may be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruizers of the two nations, all the buildings necessary for the working of the mine, of whatever description they may be, storehouses, magazines, workmen's houses, &c., shall be erected in that part of the territory situated beyond the limits specified in the annexed Statement. They may be connected to the wharf by one single railroad of one or two lines, no construction other than that of a wharf, and the railroad above mentioned shall, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on that part of the coast set aside for the fishing within the limits fixed in the annexed Statement."

In reply, the Secretary of State was informed by the Governor's telegram of the 5th February, 1885, that the Colonial Government considered that the proposed alteration of the modifications suggested by them with regard to wharves and buildings, in case of discovery of mines in neighbourhood of portion of coast comprised in the Statement referred to would prohibit the working of mines within the limits mentioned in Arrangement, and that buildings of certain description were quite indispensable to working in mines. The Governor added that a favourable reception of the Arrangement of the 26th April by the Legislature would be seriously affected by these restrictions, and that the Colonial Government were most desirous of co-operating with Her Majesty's Government in settling the matter.

After some further telegraphic communication the Colonial Government explained by telegram that they wished it to be understood that the buildings which should be allowed in harbours not tinted red on the Map which accompanied the Arrangement of the 26th April, 1884, should be all constructions necessary for mining operations, such as shelters for mining apparatus and stores for minerals, but not dwellings; which were not to be permitted within the said limits,

Since the date of this telegram negotiations have proceeded with the French Government which I am happy to inform you have resulted in the requirements of the Government of Newfoundland being substantially conceded, although not in such general terms as those desired by the Newfoundland Government.

I now inclose a copy of an Arrangement which was signed at Paris by Sir Clare Ford

and Mr. Pennell representing this country, and by M. Jagerschmidt and Admiral Bigrel representing France, on the 14th November last. This Arrangement supersedes that signed on the 26th April, 1884, which has been cancelled by the instrument of which a copy is annexed.

The stipulations which have been inserted with a view of giving effect to the wishes of the Government of Newfoundland with regard to the erection of constructions necessary for the working of mines on those portions of the coast not tinted red on the Map which accompanies the Arrangement, and to the limitation of the number of French guardians, are contained in Articles III and XVIII.

Article III, in the opinion of Her Majesty's Government, allows all such facilities for the working of mines and for the construction of the necessary wharves, shelters, and storehouses, on those portions of the coast to which that Article refers, as can reasonably be expected, and as are compatible with the free exercise by the French of their fishery rights in those localities.

Article XVIII carries out the views of your Government in regard to the limitation of the number of guardians to be allowed for the guardianship of the French establishments out of the fishing season.

Bearing in mind the restrictions which have hitherto interfered with the development of the mineral and other resources of Newfoundland, the provisons contained in the Arrangement cannot but be regarded by your Government as of the greatest value.

The Arrangement now transmitted to you differs from that of the 26th April, 1884, only in the particulars above referred to (except that in Article XX Article XVIII has been included among the exceptions to those Articles applicable to the fishing season only), and the despatch from my predecessor of the 12th June, 1884, which forwarded that Arrangement, deserves again at the hands of your Government a careful study in connection with the new Arrangement now transmitted to you.

Her Majesty's Government trust that the efforts which have been made in the course of the recent negotiations to arrive at such a settlement of the Fishery question as would admit of the development of the resources of the Colony of Newfoundland on those parts of the coast where the French have fishery rights, whilst at the same time in no way curtailing the existing fishery rights of either British or French subjects on those coasts, will be duly appreciated by the Government and Legislature of Newfoundland.

I may state that in the course of the recent negotiations the British Commissioners drew the attention of their French colleagues to the difficulties attending the traffic in spirituous liquors between French fishermen and the inhabitants of Newfoundland; their representations on this subject have resulted in an undertaking being given by the French Commissioners on the part of their Government to the effect that, immediately after the ratification of the Arrangement of the 14th November, 1885, instructions will be addressed to the Commandant of the Colony of St. Pierre and Miquelon for the prohibition to schooners and boats fitted out there for fishing purposes to ship a greater amount of spirituous liquors than is deemed necessary for the requirements of the crew. The French Commissioners have also declared that after the exchange of the ratifications of the Arrangement the Government of the French Republic will not raise any objection to the establishment of a British Consulate at St. Pierre.

I inclose a *note verbale* which was delivered by the French Commissioners to the British Commissioners relating to these two points at the last meeting of the Commission at Paris.

Your Government will no doubt attach due weight to the importance of these undertakings on the part of the French Government.

I inclose copies of communications which have been addressed to the British Commissioners by the Marquis of Salisbury and by this Department, conveying to them the appreciation of Her Majesty's Government of the services which they have rendered during the course of their negotiations.*

You will lay this despatch before your Ministers with the expression of the strong hope of Her Majesty's Government that the Arrangement now concluded will be found acceptable to them as well as to the Legislature of Newfoundland, to whom they will be so good as to submit it at the earliest opportunity, with a view to the necessary Laws being passed to enable the Arrangement to come into force at the commencement of the next fishery season.

I have, &c.
(Signed) FRED. STANLEY.

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* Not printed

Inclosure 1 in No. 10.

Arrangement signed at Paris, November 14, 1885, *relating to the Newfoundland Fisheries Question.*

THE undersigned Commissioners, who have been appointed by the Governments of Great Britain and France in order to find means, without touching the Treaties at present in force, which it is not their duty either to modify or to interpret, of preventing and regulating disputes relative to the exercise of the fishery on the coasts of Newfoundland, have framed in concert the following Regulations, subject to the approval of their respective Governments :—

LES Commissaires soussignés, délégués par les Gouvernements de la Grande-Bretagne et de la France, à l'effet de rechercher, en dehors des Traités actuellement en vigueur qu'ils n'avaient mission ni de modifier, ni d'interpréter, les moyens de prévenir et de régler les contestations relatives à l'exercice de la pêche sur les côtes de Terre-Neuve, ont arrêté d'un commun accord, sous réserve de l'approbation de leurs Gouvernements respectifs, les dispositions suivantes :—

ARTICLE I.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to comply with the following Regulations for securing to French fishermen, in execution of the Treaties in force, and particularly of the Declaration of 1783, the free exercise of their industry on the coasts of Newfoundland without any interference or obstruction whatever on the part of British subjects.

ARTICLE I.

Le Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande s'engage à se conformer aux dispositions ci-après pour assurer aux pêcheurs Français, en exécution des Traités en vigueur et particulièrement de la Déclaration de 1783, le libre exercice de leur industrie sur les côtes de Terre-Neuve sans gêne ou obstacle quelconque de la part des sujets Britanniques.

ARTICLE II.

The Government of the French Republic engages, on its part, in exchange for the security accorded to French fishermen by the application of the Regulations contained in the present Arrangement, not to raise any objections against the formation of establishments necessary for the development of every industry other than that of the fisheries on those portions of the coasts of Newfoundland comprised between Cape St. John and Cape Ray which are tinted in red on the Map hereto annexed, and which do not appear in the Statement also annexed describing the portions of the coast to which the present paragraph does not apply.

It engages equally not to disturb the resident British subjects in respect of the establishments actually existing on those parts of the coast comprised between Cape St. John and Cape Ray passing by the north, but no new ones will be established on those parts of the coast described in the Statement mentioned in the preceding paragraph.

ARTICLE II.

Le Gouvernement de la République Française s'engage, de son côté, en échange de la sécurité accordée aux pêcheurs Français par l'application des dispositions contenues dans le présent Arrangement, à n'élever aucune protestation contre la création des établissements nécessaires au développement de toute industrie autre que celle des pêcheries, sur les parties de la côte de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, qui sont teintées en rouge sur la Carte ci-annexée, et qui ne figurent pas dans l'État, également ci-annexé, comprenant les portions de territoire auxquelles ne s'applique point le présent paragraphe.

Il s'engage également à ne pas inquiéter les sujets Anglais résidents, à l'égard des constructions actuellement établies sur le littoral compris entre le Cap Saint-Jean et le Cap Raye, en passant par le nord. Mais il n'en sera point établi de nouvelles sur les parties du littoral comprises dans l'État mentionné au paragraphe précédent.

ARTICLE III.

Notwithstanding the prohibition stipulated at the end of the second paragraph

ARTICLE III.

Nonobstant l'interdiction stipulée à la fin du second paragraphe de l'Article précé-

of the preceding Article, in the case where a mine should be discovered in the vicinity of any one of the parts of the coast comprised in the Statement annexed to the present Arrangement, the Government of the French Republic engages not to raise any objection to the persons interested enjoying for the working of such mine facilities compatible with the free exercise of the French fisheries.

With this object a wharf can be constructed on a point of the coast to be specified by common agreement between the Commanders of the cruizers of the two nations.

The constructions necessary for the working of the mine, such as dwelling-houses, workshops, warehouses, &c., shall be erected on that part of the territory situated beyond the limits specified in the annexed Statement for the exercise of the French fisheries. They may be connected with the wharf by one single railroad of one or two lines.

In order to facilitate the operations of loading and unloading, shelters and storehouses may, nevertheless, be constructed on each side of the railroad for the provisional storage of minerals and mining plant on a space not exceeding 15 metres on each side of the railroad, such space to be inclosed by a hedge or some sort of inclosure.

No construction other than the wharf, the railway, and the shelters and storehouses above mentioned, can, in conformity with the last stipulation of the second paragraph of the preceding Article, be erected on the part of the coast set aside for fishing in the limits fixed in the annexed Statement.

The stipulations of the present Article shall apply equally to the working of a mine within these limits on the condition that it shall have been mutually agreed upon previously by the Commanders of the cruizers of the two nations that the working of the mine shall not be of such a nature as to hinder the free exercise of the French fisheries.

dent, dans le cas où une mine serait découverte dans le voisinage d'une des parties du littoral comprises dans l'État annexé au présent Arrangement, le Gouvernement de la République Française s'engage à ne point s'opposer à ce que les intéressés jouissent, pour l'exploitation de la dite mine, des facilités compatibles avec le libre exercice de la pêche Française.

A cet effet un embarcadère (wharf) pourra être établi sur un point de la côte désigné, d'un commun accord, par les Commandants des croiseurs des deux pays.

Les constructions nécessaires à l'exploitation de la mine, telles que maisons d'habitation, ateliers, entrepôts, &c., seront élevées sur la partie du territorire située en dehors des limites fixées dans l'État ci-annexé pour l'exercice de la pêche Française. Elles seront reliées à l'embarcadère par une seule et unique ligne de chemin de fer à une ou deux voies.

Afin de faciliter les opérations de chargement et de déchargement, des abris et des magasins pourront, néanmoins, être construits des deux côtés de la voie ferrée pour le dépôt provisioire du minerai et du matérial de la mine, sur un espace qui ne pourra excéder 15 mètres de chaque côté de la voie, le dit espace devant être entouré d'une haie ou clôture quelconque.

Aucun établissement autre que l'embarcadère, le chemin de fer, ainsi que les abris et magasins susmentionnés, ne pourra, conformément à la disposition finale du second paragraphe de l'Article précédent, être créé sur la partie du littoral réservée à la pêche dans les limites fixées dans l'État ci-annexé.

Les dispositions du présent Article s'appliqueront également à l'exportation d'une mine en dedans de ces limites, à la condition qu'il ait été préalablement constaté, d'un commun accord, par les Commandants des croiseurs des deux pays, que l'exploitation de cette mine ne sera pas de nature à entraver le libre exercice de la pêche Française

Article IV.

It is understood that French citizens shall retain in full on all those parts of the coast, comprised between Cape Saint John and Cape Ray, the right as it is defined by Treaty of fishing, of drying and curing their fish, &c., as well as of cutting wood in all parts except on inclosed property, necessary for fishing-stages, huts, and fishing-boats.

Article IV.

Il est entendu que les Français conserveront dans sa plénitude sur toutes les parties de la côte comprise entre le Cap Saint-Jean et le Cap Raye et tel qu'il est défini par les Traités, le droit de pêcher, sécher, préparer le poisson, &c., ainsi que celui de couper, partout ailleurs que dans les propriétés closes, le bois nécessaire pour leurs échafaudages, cabanes, et bâtiments de pêche.

ARTICLE V.

The superintendence and the police of the fisheries shall be exercised by the ships of war of the two countries in accordance with the conditions hereafter set forth, the Commanders of these ships having sole authority and competency under these conditions in all matters relating to the fisheries, and the operations which result therefrom.

ARTICLE VI.

English and French fishing ships or boats shall be registered in accordance with the administrative Regulations of the county to which they respectively belong, and shall bear distinctive marks in a visible manner, which will allow of their being easily recognized at a distance. The captains, masters, or persons in charge must have with them documents establishing the nationality of their ships or boats.

ARTICLE VII.

The Commanders of cruizers of each nation shall notify mutually to one another any infractions which may be committed by the ships or boats of the other nation of the Regulations set forth in the preceding Article.

ARTICLE VIII.

The cruizers of the two countries shall have authority to record all infractions of the Treaties actually in force, and especially of the Declaration of 1783, according to the terms of which British subjects are not to "interrupt in any manner the fishery of the French by their competition during the temporary exercise of it which is granted to them upon the coasts of Newfoundland."

ARTICLE IX.

On a complaint being made by French fishermen, or on a demand being made by them with a view to their being enabled to exercise their right of fishing, the Commanders of the English cruizers shall oppose, and, in case of no English cruizer being in sight, the Commanders of the French cruizers may oppose, every fishing operation of British subjects which may interrupt the industry of such French fishermen; they shall remove the boats or ships causing the obstruction to such industry.

With this object the Commanders of French cruizers may address to the offending parties the necessary warnings, and in case of resistance take their fishing implements in order to place them on shore or

ARTICLE V.

La surveillance et la police de la pêche seront exercées par des bâtiments de la marine militaire des deux pays, dans les conditions ci-après déterminées, les Commandants des croiseurs ayant seuls, dans ces conditions, autorité et compétence dans toutes les affaires concernant la pêche et les opérations qui en sont la conséquence.

ARTICLE VI.

Les navires ou bateaux de pêche Anglais et Français seront enregistrés, suivant les Règlements administratifs du pays auquel ils appartiennent et devront porter, d'une manière apparente, des marques distinctives permettant de constater, à distance, leur identité. Les capitaines, maîtres, ou patrons seront porteurs de documents justificatifs de la nationalité de leurs navires ou bateaux.

ARTICLE VII.

Les Commandants des croiseurs de chaque nation se signaleront mutuellement les infractions aux Règles établies par l'Article précédent qui seraient commises par les navires ou bateaux de l'autre nation.

ARTICLE VIII.

Les bâtiments croiseurs des deux pays seront compétents pour constater toutes les infractions aux Traités actuellement en vigueur et notamment à la Déclaration de 1783, aux termes de laquelle les sujets Britanniques ne doivent "troubler, en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve."

ARTICLE IX.

Sur la plainte des pêcheurs Français ou sur leur demande tendant à pouvoir user de leur droit de pêche, les Commandants des bâtiments croiseurs Anglais s'opposeront, et, s'il n'y a aucun croiseur Anglais en vue, les Commandants des croiseurs Français pourront s'opposer à toute opération de pêche des sujets Britanniques qui gênerait l'industrie des dits pêcheurs Français; ils éloigneront les bateaux ou navires qui seraient un obstacle à cette industrie.

A cet effet, les Commandants des bâtiments croiseurs Frànçais, pourront adresser à la partie en cause les injonctions nécessaires, et prendre, en cas de résistance, les engins de pêche pour les déposer à terre ou

to give them up into the hands of the Commanders of Her Britannic Majesty's cruizers.

In cases in which no interruption shall result to French fishermen, and in which neither a complaint nor a demand has been made to enable them to exercise without difficulty their right of fishing, the Commanders of French cruizers shall not oppose the fishing operations of British subjects.

les remettre entre les mains des Commandants des croiseurs de Sa Majesté Britannique.

Dans le cas où il n'en résulterait aucune gêne pour les pêcheurs Français, et où il n'y aurait ni plainte ni demande de leur part tendant à pouvoir user, sans difficulté, de leur droit de pêche, les Commandants des croiseurs Français ne s'opposeront pas à l'exercice de la pêche par les sujets Britanniques.

Article X.

In cases in which residents on shore may interfere with or disturb by their acts the drying and the preparation of fish, and in general the various operations which are a consequence of the exercise of the French fishery on the coast of Newfoundland, a report verifying the damage caused shall be drawn up by the Commanders of the cruizers of Her Britannic Majesty, and in their absence by the Commanders of the French cruizers.

In the latter case the report shall be admitted in evidence in the judicial proceedings to be taken thereon by the Commanders of Her Majesty's cruizers in the exercise of their functions as Justices of the Peace.

Article X.

Dans le cas où des résidents gêneraien ou troubleraient à terre, par les actes, le séchage et la préparation du poisson et, en général, les diverses opérations qui sont la conséquence de l'exercice de la pêche Française sur la côte de Terre-Neuve, un procès verbal de constatation du dommage causé sera dressé par les Commandants des bâtiments croiseurs de Sa Majesté Britannique et, en leur absence, par les Commandants des croiseurs Français.

Dans ce dernier cas, le procès-verbal fera foi, pour la justice à rendre, en leur qualité de Magistrats, par les Commandants des croiseurs de Sa Majesté Britannique.

Article XI.

If an offence is committed or damage caused, the Commanders of cruizers of the nationality to which the offender belongs, and in their absence the Commanders of the cruizers of the nationality to which the plaintiff belongs, shall estimate the gravity of the facts brought to their knowledge, and shall record the damage sustained by the plaintiff.

They shall draw up, should occasion require it, in accordance with the forms in use in the countries of the two nations respectively, a Report as to the verification of the facts such as it may result as well from the declarations of the interested parties as from the evidence taken in the matter.

This Report shall be admitted in evidence in the judicial proceedings to be taken thereon so far as their powers extend by the Commanders of the cruizers of the nationality to which the offending party belongs.

Should the matter appear to be of sufficient gravity to justify such a step, the Commander of the cruizer of the nationality to which the plaintiff belongs shall have the right, if no cruizer of the nationality to which the offender belongs be in sight, to

Article XI.

Si un délit est commis ou un dommage causé, les Commandants des bâtiments croiseurs de la nationalité du délinquant et, en leur absence, les Commandants des bâtiments croiseurs de la nationalité du plaignant apprécieront la gravité des faits parvenus à leur connaissance et constateront le dommage éprouvé par la partie plaignante.

Ils dresseront, s'il y a lieu, et suivant les formes usitées dans leur pays, procès-verbal de la constatation des faits telle qu'elle résultera tant des déclarations des parties intéressées que des témoignages recueillis.

Ce procès-verbal fera foi, pour la justice à rendre, dans les limites de leur compétence, par les Commandants des croiseurs de la nationalité du délinquant.

Si le cas lui semble assez grave pour justifier cette mesure, le Commandant du bâtiment croiseur de la nationalité du plaignant aura le droit, s'il n'y a en vue aucun croiseur de la nationalité du délinquant, de s'assurer soit de la personne du dit délin-

secure either the person of the offender or his boat in order to give them up into the hands of the Commanders of the cruizers of the nationality to which they belong.

ARTICLE XII.

The Commanders of British and French cruizers shall administer immediate justice, within the limits of their powers, with regard to the complaints brought to their notice either by the interested parties directly or through the Commanders of the cruizers of the other nation.

ARTICLE XIII.

Resistance to the directions or injunctions of Commanders of cruizers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruizer, be considered as resistance to the competent authority for repressing the act complained of.

ARTICLE XIV.

When the act alleged is not of a serious character, but has nevertheless caused damage, the Commanders of cruizers shall be at liberty, should the parties concerned agree to it, to arbitrate between them, and to fix the compensation to be paid.

ARTICLE XV.

The French Government abandons for its subjects the salmon fisheries in rivers, and only reserves a right to the salmon fishery in the sea and at the mouth of rivers up to the point where the water remains salt, but it is forbidden to place fixed barriers capable of impeding interior navigation or the circulation of the fish.

ARTICLE XVI.

French fishermen shall be exempt from the payment of any duties on the importation into that part of the Island of Newfoundland comprised between Cape Saint John and Cape Ray, passing by the north, of all articles, goods, provisions, &c., which are necessary for the prosecution of their fishing industry, for their subsistence, and for their temporary establishment on the coast of this British possession.

They shall also be exempt on the same part of the coast from the payment of all light and port dues and other shipping dues.

quant, soit de son bateau, pour les remettre entre les mains des Commandants des bâtiments croiseurs de leur nationalité.

ARTICLE XII.

Les Commandants des bâtiments croiseurs Anglais et Français devront, dans la limite de leur compétence, faire droit, d'urgence, aux plaintes dont ils seront saisis, soit directement par la partie intéressée, soit par l'entremise des Commandants des croiseurs de l'autre nation.

ARTICLE XIII.

La résistance aux prescriptions ou injonctions des Commandants des bâtiments croiseurs chargés de la police de la pêche ou de ceux qui agissent d'après leurs ordres, sera, sans tenir compte de la nationalité du croiseur, considérée comme résistance envers l'autorité compétente pour réprimer le fait incriminé.

ARTICLE XIV.

Lorsque le fait incriminé ne sera pas de nature grave, mais que, néanmoins, il aura occasionné des dommages, les Commandants des bâtiments croiseurs pourront concilier les intéressés et fixer l'indemnité à payer, s'il y a consentement des parties en cause.

ARTICLE XV.

Le Gouvernement Français renonce, pour ses nationaux, à la pêche du saumon dans les cours d'eau et ne se réserve la pêche de ce poisson qu'en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées ; mais il est interdit d'établir des barrages fixes pouvant empêcher la navigation intérieure ou la circulation du poisson.

ARTICLE XVI.

Les pêcheurs Français seront exempts de toute taxe pour l'introduction, dans la partie de l'Ile de Terre-Neuve comprise entre le Cap Saint-Jean et le Cap Raye, en passant par le nord, de tous objets, matières, vivres, &c., nécessaires à leur industrie, à leur subsistance, et à leur établissement temporaire sur la côte de cette possession Britannique.

Ils seront également, dans cette même partie de l'Ile, affranchis de tout droit de phare, de port, ou autre droit de navigation.

ARTICLE XVII.

French fishermen shall have the right to purchase bait, both herring and capelin, on shore or at sea, on the shores of Newfoundland, free from all duty or restrictions, subsequent to the 5th April in each year and up to the close of the fishing season.

ARTICLE XVIII.

The employment of French subjects in the proportion of one guardian with his family to each harbour is authorized for the guardianship of the French establishments out of the fishing season.

In the large harbours where the temporary fishing-rooms of the French are so distant from each other as to render it impracticable for one guardian to take care of all such establishments, the presence of a second guardian with his family shall be authorized.

ARTICLE XIX.

All fishing-boats, all their small boats, all rigging, gear, nets, lines, buoys, or other fishing implements whatsoever, found or picked up, shall, as soon as possible, be delivered to the competent authorities of the nation of the salvor.

The articles saved shall be restored to the owners thereof or to their representatives by means of the above-mentioned competent authorities, the interest of the salvors being previously guaranteed.

The indemnity to be paid to the salvors shall be fixed in accordance with the law of the respective countries in such matters.

ARTICLE XX.

The provisions of the present Arrangement, with the exception of those contained in Articles I, II, and XVIII, shall be applicable solely for the time during which the Treaties accord to the French the right of fishing and drying their fish.

In faith of which the undersigned Commissioners have drawn up the present Arrangement, subject to the approval of their respective Governments, and have signed the same.

Done at Paris, in duplicate, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

ARTICLE XVII.

Les pêcheurs Français auront le droit d'acheter la boitte, hareng, et capelan, à terre ou à la mer, dans les parages de Terre-Neuve, sans droits ni entraves quelconques, postérieurement au cinquième jour d'Avril de chaque année et jusqu'à la fin de la saison de pêche.

ARTICLE XVIII.

L'emploi de sujets Français, à raison d'un gardien avec sa famille par port (harbour), est autorisé pour la garde des établissements Français en dehors de la saison de pêche.

Dans les ports (harbours) d'une grande étendue où les établissements temporaires des Français seront trop distants l'un de l'autre pour permettre à un seul gardien de surveiller les établissements, la présence d'un second gardien, avec sa famille, sera autorisée.

ARTICLE XIX.

Tout bateau de pêche, tout canot, tout objet d'armement ou de gréement de bateau de pêche, tout filet, ligne, bouée, ou engin quelconque, qui aura été trouvé ou recueilli, devra, aussitôt que possible, être remis aux autorités compétentes de la nation du sauveteur.

Les objets sauvés seront rendus aux propriétaires ou à leurs représentants par les soins des dites autorités compétentes et sous réserve de la garantie préalable des droits de sauveteurs.

L'indemnité à payer aux sauveteurs sera fixée suivant la législation de leur pays.

ARTICLE XX.

Les dispositions du présent Arrangement, à l'exception de celles des Articles I, II, et XVIII, seront applicables uniquement pendant le temps durant lequel les Traités accordent aux Français le droit de pêcher et de sécher le poisson.

En foi de quoi les Commissaires soussignés ont dressé le présent Arrangement, sous réserve de l'approbation de leurs Gouvernements respectifs, et y ont apposé leur signature.

Fait à Paris, en double expédition, le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 2 in No. 10.

Statement annexed to the Arrangement of the 14th November, 1885, respecting the Newfoundland Fisheries, in execution of Article II of the said Arrangement.

État annexé à l'Arrangement du 14 Novembre, 1885, relatif aux Pêcheries de Terre-Neuve, en exécution de l'Article II du dit Arrangement.

West Side.

(From Cape Ray to Cape Norman.)

1. COD ROY Island. On the mainland opposite, that portion of the coast situated between the two perpendicular lines drawn from the extremities of the island in the general direction of the coast;

2. Red Island;

3. That portion of the coast situated between Cape Cormoran and the west point of Pic Denis Harbour in the Bay of Port-à-Port on the west;

4. The small islands situated in the Bay of Port-à-Port, together with those which close it on the north;

5. That portion of the coast situated between Bear Cove ("l'Anse-à-l'Ours") and the foot of the Mountain Blow-me-down;

6. Governor's Island, the Islands of Guernsey, Tweed, the two Shags, the Pearl, and Green Island;

7. That portion of the coast which borders the Harbour des Roches;

8. Stearing Island and the adjacent coast from the latitude of the northern point of Stearing Island to the foot of a perpendicular line drawn down from Cape Pointu on the coast, following the sinuosities of the Peninsula of Cow Head ("la Tête de Vache");

9. That portion of the coast comprised between a point situated at a distance of 3 miles to the south of the mouth of the River Ponds and the latitude of the northern part of Savage Island following the sinuosities of the Peninsula of Port-au-Choix;

10. All those islands situated within the Bay of St. John;

11. That portion of the coast situated between Castor Point (at the southern entrance of the bay) and the northern point of the entrance of Savage Cove (Anse aux Sauvages);

Côte Ouest.

(Du Cap Raye au Cap Normand.)

1. L'ILE de Cod Roy. Sur la grande terre qui fait face, la partie de la côte comprise entre les deux perpendiculaires menées des extrémités de l'île sur la direction générale de la côte;

2. L'Ile Rouge;

3. La partie de la côte comprise entre le Cap Cormoran et la pointe ouest du Havre du Pic Denis dans la baie de l'ouest de Port-à-Port;

4. Les îlots situés dans la Baie de Port-à-Port, ainsi que ceux qui la ferment au nord;

5. La partie de la côte comprise entre l'Anse-à-l'Ours ("Bear Cove") et le pied de la Montagne Blow-me-down;

6. L'Ile du Gouverneur, les Iles de Guernesey, Tweed, les deux Shag, la Perle, et l'Ile Verte;

7. La partie de la côte autour du Havre des Roches;

8. L'Ile Stearing et la côte adjacente, depuis la latitude de la pointe nord de l'Ile Stearing jusqu'au pied de la perpendiculaire abaissée du Cap Pointu sur la côte, en contournant la presqu'île de la Tête de Vache;

9. La partie de la côte comprise entre un point situé à 3 milles au sud de l'embouchure de la Rivière Ponds et la latitude de la partie nord de l'Ile des Sauvages, en contournant la presqu'île de Port-au-Choix;

10. Toutes les îles situées dans la Baie de Saint-Jean;

11. La partie de la côte comprise entre la pointe des Castors (entrée sud de la baie) et la pointe nord de l'entrée de l'Anse aux Sauvages;

12. All those islands situated along that portion of the coast mentioned in the preceding paragraph (No. 11).

12. Toutes les îles qui se trouvent le long de la portion de côte mentionnée au paragraphe 11.

EAST SIDE.

(From Cape Norman to Cape St. John.)

1. That portion of the coast situated between the extremity of Shallow Bay and the foot of the hill on which the lighthouse is placed, as well as all those islands which border the west side of Pistolet Bay;

2. That portion of the coast situated between the mouth of Parker River in Pistolet Bay and Partridge Point, inclusive of the Island of Quirpon and all the islands adjacent;

3. The entire circumference of the bays and of the shores situated between the northern entrance of Griquets Bay and the west point of the entrance of Outardes Harbour;

4. Those islands adjacent to that portion of the coast;

5. That portion of the coast situated between the west point of the entrance of Maiden Arm (Havre de la Tête de Mort) and a point situated to the south of Conche according to the latitude of the Point des Renards;

6. The group of Islands Fichot, St. Juliens, the southern part of Belle Isle South, up to the parallel of the southern point of Green Island, and all the little islands adjacent to the portion of coast described in paragraph No. 5;

7. The circumference of Boutitou Harbour;

8. That portion of the coast commencing from Aiguillette Point turning round the Bras de Bides as far as the western entrance of the Bras de Bides, inclusive of the islands adjacent;

9. That portion of the coast commencing from the west entrance of Canary Gulf, and, following the coast, terminating at the southern entrance of Hooping Harbour;

10. That portion of the coast following the sinuosities of the following bays—Fourché, Orange, Great and Little Calves;

CÔTE EST.

(Du Cap Normand au Cap St. Jean.)

1. La partie de la côte comprise entre le fond de la Baie Shallow et le pied de la colline sur laquelle le phare est élevé, ainsi que toutes les îles qui bordent à l'ouest la Baie du Pistolet;

2. La partie de la côte comprise entre l'embouchure de la Rivière Parker, dans la Baie du Pistolet, et la Pointe Partridge, en comprenant l'Ile du Kirpon et toutes les îles adjacentes;

3. Tout le contour des baies et des plages comprises entre l'entrée nord de la Baie des Griquets et la pointe ouest de l'entrée du Havre aux Outardes;

4. Les îles adjacentes à cette portion de côte;

5. La partie de la côte comprise entre la pointe ouest de l'entrée du Havre de la Tête de Mort (Maiden Arm) et le point situé au sud de la Conche par la latitude de la Pointe des Renards;

6. Le groupe des Iles Fichot, St. Juliens, la partie méridionale de Belle-Ile du Sud jusqu'au parallèle de la pointe sud de l'Ile Verte, et tous les îlots adjacents à la portion de côte délimitée au paragraphe 5;

7. Le périmètre du Havre de Boutitou;

8. La partie de la côte partant de la Pointe de l'Aiguillette, contournant le Bras de Bides, jusqu'à l'entrée ouest du dit Bras et comprenant toutes les îles adjacentes;

9. La partie de la côte commençant à l'entrée ouest du Gouffre des Canaries, et venant, en suivant la côte, se terminer à l'entrée sud de la Baie sans Fond (Hooping Harbour);

10. La partie de la côte suivant les sinuosités de chacune des baies—Fourché, Orange, Grandes et Petites Vaches;

60°

58°

56°

A B R A D O R

Detroit de Belle Ile

C. Norman

Presqu'ile de la Chaloupe

Bie du Paquet

Bie Brûlé

Bie de Mansa

C.d'Ognon

Bie au Sucre

I. Fagnan

C. Bauld

I. de Kirpon

Is Blanches

Pte Partridge

Bie des Griguets

Bie de St Lunaire

Hvre des Brehats

Bie St Mein

C. St Antoine

Bie aux Outardes

Hie de la Cremaillere

C. des Oies

Hie des Petites Oies

I. Brent

Baie aux Lievres

Ie de la Tete de mort

Gd Cormorandier

I. Fichot

Hvre des Oies Hottes

I. St Julien

Hvre du Croc

C. Vent

les Soeurs

I. de Croix

C. Rouge

Hie du C. Rouge

Hie de la Conche

C. des Renards

Ilaire de Boutteu

Pointe de l'Aiguillette

Bie de Canada

Belle Ile

Gouffre des Canards

C. Canada

Hie Hooping

Havre Fourche

Bie d'Orange

Petites Vaches

le Petit Port. Profond

Grandes Vaches

Iles Ste Barbe

C. Partridge ou Daim

Hie de la Fleur de Lys

Pte Verte

Anse du Pot d'Etain

les Soeurs

Bie Verte

Bie des Bras

Hie de Paquet

C. Cagnet

Bie de Confusion

La Scie

C. St Jean

Baie Blanche

Gd Bras du Chat

C. du Chat

Gd Bras du Lapin

C. du Bras du Lapin

Bras Jackson

Eaux Pigeons

Bras du Milieu

Bras de l'Ouest

Ile de Sep

Anse Purbeck

Bras de Sep

Chouse Brook

Anse d'Or

I. Miller

Baie de Notre Dame

C. Fogo

Limite de la pêche française

"

Ptes de la Table

Crique de Portland

Bie du Sable

I. Stearing

Bie de la Tete de Vache

Pte de la Tete de Vache

Pte du Genet

Bie St Pierre

Pte Verte

Bonne Baie

Pte du Sud

Bras de l'Est

Bras du Sud

C. St Gregoire

Pte Riche

Pte au Choix

Bie d'Ingornachoix

Bie Mall

Pte Penn

Bie de St Julien

Bie de Despair

Bie de Despair Ouest

Bie de Despair Est

Bie de Despair Sud

Bie de Despair Nord

Bie de Despair Centre

Bie de Despair Sud-Est

Bie de Despair Nord-Est

Bie de Despair Sud-Ouest

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Bie de Despair Centre-

TERRE NEUVE DE

Baie St Georges

Baie de Bonavista

Baie de la Trinité

Baie de la Conception

Baie de Fortune

Baie de Plaisance

Baie de Ste Marie

PENINSULE AVALON

St Pierre

I. Ramea

I. Merasheen

C. Bona

C. Race

C. Freel

C. Ste Marie

C. St Fran

C. Rosey

C. de Raye

Limite de la pêche française

62

60°

58°

56°

11. That portion of the coast situated between Cape Partridge and the parallel of the southern point of the group of islands of Pot d'Etain (Coachman's Cove);

12. That portion of the coast situated on the east side of the Bay of Pines, and stretching from the 50th degree of latitude to the north point of that part of the bay;

13. Those small islands situated on the coast between the harbour of Fleur de Lys and Cape St. John, with the exception of Horse Islands (Les Isles Ste. Barbe);

14. That portion of the coast following the sinuosities of Paquet Harbour;

15. That portion of the coast situated between Cape Cagnet on the west and the east entrance of the Harbour of Scie.

The prohibition to erect new establishments on those portions of the coast mentioned in the present statement shall be applicable to a distance inland of 500 yards with regard to paragraphs numbered 7, 8, and 9 on the west coast, and to a distance of 800 yards with regard to all the other paragraphs, following the sinuosities of the coast.

It is understood that the distances of 500 and 800 yards are to be reckoned from high-water mark.

Done at Paris, in duplicate, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

11. La partie de la côte comprise entre le Cap Partridge et le parallèle de la pointe sud du groupe des Iles du Pot d'Étain (Coachman's Cove);

12. La partie de la côte est de la Baie des Pins, s'étendant de la latitude de 50° jusqu'à l'extrémité nord de cette partie de la baie;

13. Les îlots adjacents à la côte, du Havre de la Fleur de Lys au Cap Saint-Jean, non compris les Iles Sainte-Barbe;

14. La partie de la côte contournant le Havre de Paquet;

15. La partie de la côte comprise entre le Cap Cagnet à l'ouest et l'entree est du Havre de la Scie.

L'interdiction d'élever des constructions nouvelles sur les parties de la côte mentionnées au présent État s'appliquera sur une profondeur de 500 yards pour les Nos. 7, 8, et 9 de la côte ouest, et sur une profondeur de 800 yards pour tous les autres paragraphes, en suivant les sinuositiés de la côte.

Il est entendu que les distances de 500 et de 800 yards sont comptées à partir de la limite de la pleine mer.

Fait à Paris, en double expédition, le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 3 in No. 10.

Map.

Inclosure 4 in No. 10.

Procès-verbal de Clôture.

ON proceeding to sign the Arrangement dated this day, relative to the question of the Newfoundland fisheries, the undersigned Commissioners of Great Britain and France declare that the object of the said Arrangement is to replace the one which was signed by the same Commissioners on the 26th April, 1884, and which shall consequently be considered as null and void.

Procès-verbal de Clôture.

AU moment de procéder à la signature de l'Arrangement en date de ce jour relatif à la question des pêcheries de Terre-Neuve, les Commissaires soussignés des Gouvernements de Grande-Bretagne et de France déclarent que le dit Arrangement a pour objet de remplacer celui qui a été signé par les mêmes Commissaires le 26 Avril, 1884, et qui doit, en conséquence, être considéré comme nul et non avenu.

In faith of which the undersigned Commissioners have prepared the present procès-verbal de clôture, and have affixed their signature thereto.

Done in duplicate, at Paris, the 14th November, 1885.

(Signed) FRANCIS CLARE FORD.
EDMUND BURKE PENNELL.

En foi de quoi les Commissaires soussignés ont dressé le présent procès-verbal de clôture et y ont apposé leur signature.

Fait en double exemplaire à Paris le 14 Novembre, 1885.

(Signé) CH. JAGERSCHMIDT.
T. BIGREL.

Inclosure 5 in No. 10.

Note Verbale.

LES Délégués Anglais à la Commission des Pêcheries de Terre-Neuve ayant, au cours de la séance du 9 Décembre, 1884, signalé à leurs collègues les inconvénients de diverse nature qui résultent du trafic des spiritueux auquel les pêcheurs Français se livrent sur les côtes de l'Ile de Terre-Neuve, les Délégués Français ont appelé sur cet état de choses l'attention de leur Gouvernement.

M. le Ministre de la Marine s'est montré disposé à prendre les mesures nécessaires pour mettre un terme à ce trafic. Il a pensé qu'il suffirait, à cet effet, d'interdire, par voie d'instructions émanant de son Départément aux goélettes et bateaux armés à St.-Pierre, en vue de la pêche, d'embarquer une quantite de spiritueux supérieure à celle qui serait reconnue nécessaire pour les besoins de l'équipage.

Les Délégués Français ont, en conséquence, été autorisés par leur Gouvernement à déclarer que des instructions dans ce sens seront adressées au Commandant de la Colonie de St.-Pierre et Miquelon, immédiatement après la ratification par le Gouvernement de Sa Majesté Britannique de l'Arrangement signé à la date de ce jour pour le réglement de la question des pêcheries de Terre-Neuve.

D'autre part, et sur la demande qui leur en a été faite par les Délégués Anglais, ils ont également été autorisés à déclarer qu'après l'échange des ratifications sur le dit Arrangement, le Gouvernement de la République Française n'élèvera aucune objection contre la création d'un Consulat Britannique à St.-Pierre.

Paris, le 14 *Novembre,* 1885.

(Translation.)

THE British Delegates at the Newfoundland Fisheries Commission having pointed out to their colleagues during the sitting of the 9th December, 1884, the inconveniences of various kinds which result from the traffic in spirits carried on by the French fishermen on the coasts of the Island of Newfoundland, the French Delegates have called the attention of their Government to this state of affairs.

The Minister of Marine showed himself disposed to take the necessary measures for putting a stop to this traffic. He thought it would be sufficient, to this end, to forbid, by means of instructions issued from his Department, schooners and vessels equipped at St. Pierre with a view to fishing, to take on board a larger quantity of spirits than might be considered necessary for the wants of the crew.

The French Delegates have consequently been authorized by their Government to declare that instructions to this effect will be addressed to the Commandant of the Colony of St. Pierre and Miquelon immediately after the ratification by Her Britannic Majesty's Government of the Arrangement signed this day for the regulation of the Newfoundland Fisheries question.

Moreover, in accordance with the wish expressed by the British Delegates to that effect, they have been authorized to declare that, after the exchange of the ratifications of the said Arrangement, the Government of the French Republic will raise no objection to the creation of a British Consulate at St. Pierre.

Paris, November 14, 1885.

No. 11.

Administrator Carter to Earl Granville.

My Lord, *Government House, Newfoundland, March* 1, 1886.

I HAVE the honour to acknowledge the receipt of the Right Honourable Colonel Stanley's despatch of the 26th January last, inclosing papers and Maps in connection with the proposed Arrangement of French fisheries on the coast of Newfoundland.

Copies of the despatch, with the several inclosures and Maps, have been transmitted to the Executive, to be without delay laid upon the tables of both Houses of the Legislature.

There has not been time since the arrival of the mail to have personal communication with the members of the Executive on this important subject.

I have, &c.
(Signed) F. B. T. CARTER.

No. 12.

The Earl of Rosebery to Mr. Egerton.

Sir, *Foreign Office, March* 30, 1886.

THE French Ambassador called on me to-day, and stated that the object of his visit concerned the question of the Newfoundland fisheries.

His Excellency observed that he understood that whilst the opponents of the recent Arrangement in the Colonial Legislature did not intend to offer any direct opposition to it, they meant this very day to move the rejection of the clause relating to the purchase of bait. His Excellency had also heard that the people of Newfoundland were under an impression that the French were not much in earnest on this question, but he was instructed by his Government to use the strongest language on that point. The French Government had exhausted every concession in the matter; they had asked the people of Newfoundland, "Is that your very last word on the subject?" and they had received an affirmative reply. On that assurance being given they had agreed to the present proposal. If this were rejected nothing more could be done. The French Government, his Excellency added, would insist in that case on the strict observance of their Treaty rights.

His Excellency concluded his observations with the remark that he was about to seek an interview with Lord Granville, in order that he might make a similar representation to his Lordship upon this subject.

I am, &c.
(Signed) ROSEBERY.

No. 13.

Colonial Office to Foreign Office.—(Received June 7.)

Sir, *Downing Street, June* 7, 1886.

WITH reference to previous correspondence, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Rosebery, printed copies of three despatches from the Governor of Newfoundland, and of a Report by Mr. Pennell, in connection with the fishery arrangements.

I am also to transmit a copy of a telegram since received from Sir William Des Vœux, from which it appears that Mr. Pennell may be expected home in a few days.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, April* 27, 1886.

I HAVE the honour to inform your Lordship that a meeting of the Executive Council was held here yesterday, Mr. Pennell being present, at which I brought under notice the subject of the recent Arrangement between the Governments of England and France with reference to the fisheries of the Colony.

2. By way of introduction to the discussion which ensued, I gave a short summary of the circumstances which had led up to the present juncture. I said that Her Majesty's Government, with an anxious desire to settle once and for all a question which may be said to have been pending for more than a century, and which had frequently threatened serious international complications, after doing all that was practicable to ascertain the

views of the colonists, and after prolonged negotiations with the Government of France, had at length concluded a provisional Arrangement with that Power in April 1884. In order to consult the Colonial Government, and with a view to obtain clearly and finally the opinions of those most interested in the details of the arrangements, Her Majesty's Government had subsequently dispatched to the Colony the two Special Commissioners, who had ably conducted the negotiations on behalf of Great Britain. On the conclusion of their mission here, the then Executive Government of the Colony, by their Minute dated the 15th July, 1884, indicated their general approval of the Arrangement, and by suggesting certain modifications, gave it to be understood by implication that if these were obtained they would be prepared to give the Arrangement their support when brought before the local Legislature for final confirmation. After further negotiation with the Government of France the modifications in question had been substantially conceded, and it was naturally supposed that the Arrangement in its amended form would receive the full and loyal support of the Government of this Colony. Her Majesty's Government had naturally taken it for granted that there would be no departure here from what was a leading principle of responsible government in England, namely, that by which the successors of an Administration carry out its undertakings with the outside world, even when opposed to their own views of expediency. They could not have supposed beforehand that a change in the personnel of the Government would make any difference in the obligation to support the Arrangement, and it was therefore with much surprise and very great disappointment that they had learned of the present difficulty, which apparently threatened to nullify the Arrangement, and to render futile all the pains and labour which had been devoted to it.

In the earnest hope of overcoming this difficulty I would now ask them to state to me the objections which they took to the Arrangement; for while I was already aware of their general nature, it was desirable that I should have them before me officially.

3. In response to this invitation the Premier, Mr. Thorburn, after mentioning several minor objections, which were evidently regarded as of comparatively little importance, finally brought forward the principal one, which is in reference to the XVIIth clause, on the subject of the bait supply.

4. The representations made on this subject by him and other members were in effect these: That the bounties granted in aid of their fishermen by the French Government, together with the unfair advantage possessed by them not only in France but in the important market of Spain, were threatening serious disaster to the most important industry of the Colony, which was already in so depressed a condition that a large number of the people were in a condition of great distress and suffering; that there was a general belief among the people of the Colony that in withholding or checking the supply of bait there was a ready means of contracting this advantage on the part of their competitors, and they were therefore unwilling to give up what was regarded as the key of the position and the only available means of saving themselves from ruin. It was also urged that the feeling was so generally prevalent and so deeply rooted that it would be quite impossible for any Government to carry through the Legislature the Arrangement in question while it contained this Bait Clause, even if objections on other points were overcome. I further gathered from what was said that at the date of the favourable Minute of the former Government, the market price of fish was much higher than now, and the bounties were therefore comparatively little felt; but these now amounted to nearly 50 per cent. of the present reduced price, and thus gave an advantage against which competition could not be sustained.

5. In reply, after answering in detail the various minor objections which had been raised, and showing as regards the subject that every one of the colonists of Newfoundland would be in a better position than they were now even under the most favourable interpretation of the Treaties and the Declaration of His Majesty King George III, I then urged the following considerations with regard to the views expressed on the subject of the supply of bait:—

That Her Majesty's Government not only on various former occasions, but quite recently, had expressed its inability to sanction any measure prohibiting the sale of bait to the French, and there was not the least probability of this determination being in any way modified.

That apart from the unfriendliness of any other course with regard to a nation with which we were on terms of amity, this policy was clearly the wisest, even in the interests of Newfoundland itself.

Some thousands of the people of the Colony were almost entirely dependent for subsistence on the supply of bait to the French, so that the prohibition proposed would inflict upon them a ruinous injury, apart from the serious loss to the Colony of the 40,000*l.* to

50,000*l.* which is in this way annually added to the resources of the community. But great as this evil would be, it would be a comparatively trifling one compared with other results likely to follow an act of such unfriendly nature. It could not for a moment be supposed that the French Government would allow an industry to be destroyed which they had so frequently shown themselves to regard as of vital importance to the maintenance of their navy. It was admitted that even if the proposed prohibition was permitted, and was capable of being practically enforced, the French fishermen would be able to obtain all the bait they required from Treaty waters from the 20th April, and it was obvious that any disadvantage under which they would labour owing to this delay of about three weeks could be compensated by an addition to the bounty.

If this addition were to be only sufficient to place the fishermen in the same position as they were before the prohibition, the object of the latter would be entirely defeated, not to mention the harm done in embittering the relations of two peoples whose friendship was even more desirable here than elsewhere owing to their interests being brought so much in contact.

There was, however, a very great danger, indeed there was a very high probability, that the immediate result of such an ill-advised measure would be worse than this. Impelled by a desire not only of advancing the interests of their navy, and of their own people, but of bringing retribution upon a foreign Colony which had endeavoured to injure them, the French Government would in all probability make a larger addition to the bounties than that indicated, and in that case the industry of the British fishermen would, it was scarcely necessary to say, be destroyed altogether. For these reasons it was easy to see that the determination of Her Majesty's Government to permit no bait prohibition measure was not a merely arbitrary one, and dictated solely in Imperial interests, as was sometimes supposed, but was really and truly for the best interests of the Colony; and whether this was so or not, its very existence rendered futile the objection to the Bait Clause, while insistance upon this objection placed in serious peril the conclusion of an Arrangement which in all other respects was without any question very greatly to the advantage of the Colony.

For whatever might be the proper interpretation of the Treaties, the evils which had resulted from the standing doubts on the point had been practically as great as if the French view of them had been actually accepted.

By the acceptance of this Arrangement all of the most serious of these evils would come to an end, and leaving the Bait Clause out of consideration, all the other concessions under it were distinctly to the advantage of British interests.

On the other hand, beyond the gain which was shared by both nations in the settlement of a matter of long-standing dispute, the only advantage accruing to the French was the recognition of a right to purchase bait, which they had always enjoyed in practice. The French could not be expected to give up everything and to gain nothing in return, and the recognition, even if it were a greater disadvantage to us than it is, would be immeasurably outweighed by the removal of obstructions to the opening up of the Colony, and the other benefits accruing from the Arrangement. But, for reasons before given, the Bait Clause did not involve any disadvantage which was not likely to be suffered in much greater intensity if the sale of bait were prohibited; so that, in fact, in every single respect their interests pointed to the confirmation of the Arrangement as the best course open to them.

6. Finally, after describing the serious results which were likely to follow the rejection of the proposed Arrangement, which it is unnecessary to specify more particularly here, I pointed out the extremely difficult position in which Her Majesty's Government would be placed, as regards the Government of France, if the present Administration of Newfoundland were to fail to fulfil the obligation with regard to this Arrangement which had been incurred by their predecessors in office, and I urged in the strongest manner that both the credit and interest of Newfoundland required their loyal support to a Convention to which they would be regarded by the outside world as practically pledged.

7. Without going so far as to say that the members were convinced by what had been said, it was clear that it had considerable effect upon them; but it was also equally evident that the consideration uppermost in their minds was the impossibility of inducing a majority of the Members of the Legislature to take a view such as that which had been presented, strongly biassed as they were in the contrary direction, and at the same time stimulated to opposition by the violent language of the press, which in this respect, no doubt, represents the general opinion of the public.

8. The only immediate outcome of the meeting, therefore, was the adoption of a suggestion of the Premier that Mr. Pennell should be present at the next meeting of the

Parliamentary Committee which was considering the Arrangement, when he would have the opportunity of urging upon them the views which I had expressed.

9. My own attendance before the Committee, which was also suggested, did not appear to me advisable as being likely to defeat its object. For, however careful my language might be, it would be difficult to avoid the appearance of dictation, which, on the part of a Governor of a constitutionally-governed Colony, there is usually a not unnatural tendency to suspect and resent.

10. Judging from what I heard at this meeting, and from the opinions of colonists expressed elsewhere, I entertain but a very faint expectation that the Arrangement will be confirmed in entirety this Session.

11. If complete confirmation should prove to be out of the question, I propose to use every effort to obtain the approval of all the other Articles of the Arrangement, the Bait Clause being reserved for future consideration; and at the worst I can scarcely doubt of securing the postponement of the whole question, which, however undesirable, would be better than the absolute rejection of the Arrangement.

12. If the Government of France would consent to accept the undertaking of the British Government that sanction would never be given to any local bait sale prohibition measure, it appears to me, and in this Mr. Pennell agrees, that the Bait Clause might with advantage be omitted.

In that case I should have good hope of the confirmation of the Arrangement by the Legislature, and I should have no doubt on the point if, at the time the decision of the Members was asked, I was able to announce that Her Majesty's Government had obtained, or was certainly about to obtain, from the Spanish Government, the concession of most-favoured-nation treatment to British imports, thus relieving the products of this Colony from the very serious disadvantage under which they are now placed as compared to the French.

May 1, 1886.

13. Since the above was written Mr. Pennell has had two interviews with the Committee, and though he, I understand, made able use of all the arguments which his unsurpassed knowledge of the subject places at his disposal, they were, I fear, unavailing, as the minds of Members are evidently quite fixed in opposition to the Arrangement.

14. While I deeply regret this result, I cannot say, my Lord, now that I know all the circumstances, that I am altogether surprised at it.

15. The colonists believe that they are being ruined by the French, and they regard a measure of bait sale prohibition as the only means of escape. They recognize the probability of its disallowance by Her Majesty's Government, but say in fact that while their destruction is perhaps inevitable in any case, they must decline to commit suicide. If the market price of the colonial products were to rise, or if some substantial modification were to take place in respect of the advantages now possessed by the French, this rigid attitude would probably be modified; but in the absence of any such change in the situation, I fear that the attempt would be hopeless to obtain the consent of the Colony to any arrangement such as that proposed.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 11, 1886.

THE Resolutions which I have the honour to inclose were lately passed by the Legislative Council of this Colony, and were forwarded to Administrator Sir Frederick Carter with a request that they might be transmitted to your Lordship.

2. I do not deem it expedient at present to make any remark on the subject of these Resolutions beyond this, that they give expression to what is undoubtedly a very general feeling among the people of this Colony.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 3 in No. 13.

Resolutions of the Legislative Council of Newfoundland.

WHEREAS by Act 42 Vict., cap. 2, sec. 4, it is enacted that: The owners, masters, and other persons managing or controlling vessels conveying herrings in bulk between the 20th day of October in any year and the 18th day of April in the following year shall be deemed to have hauled, caught, or taken such herring contrary to the provisions of Chapter 102 of the Consolidated Statutes as amended by the said above-recited Act, 39 Vict., cap. 6, and by this Act, unless such owner, master, or other person aforesaid shall make proof to the contrary before a Justice of the Peace:

And whereas by the above-quoted Act our fishermen and ship-owners have been and practically are debarred from conveying herring for bait purposes from our shores before the 18th day of April in each year:

And whereas a very large number of the French fishing-vessels, amounting to over 100 sail, have, between the 1st and 12th days of April instant, entered harbours on the south-west part of our coast, where they possess no fishing privileges, and have procured herring and carried them away in bulk, thus defeating the intention of the said Act for the protection of the herring fishery, and doing that from which British vessels are debarred:

And whereas the most vital clause in the Arrangement between the English and French Governments, and the one to which the greatest importance is attached by the French, and which they are most urgent that the Legislature of Newfoundland should assent to is as follows:—

"Article XVII. French fishermen shall have the right to purchase bait, both herring and capelin, on shore or at sea, on the shores of Newfoundland, free from all duty or restrictions, subsequent to the 5th April in each year and up to the close of the fishing season":

And whereas it is abundantly clear from the foregoing clause that both the English and French Governments, equally with this Colony, understand that at present the French have no right to obtain herring bait from this island before the 17th April:

Therefore, resolved, that this Council, considering the action of the French fishing fleet in this matter has been in violation of the clearest understanding of the rights of the Colony within its territorial waters, strenuously protest against the same, and request that his Excellency the Administrator in Council will be pleased to bring this evasion of our local Statutes to the notice of the Imperial Government, to the intent that Her Majesty's Government may make such representations to the Government of France as shall prevent a repetition of the acts complained of, and to which, if persisted in, this Colony will be compelled to offer every resistance within its power.

Passed the Legislative Council the 20th April, 1886.

(Signed) E. D. SHEA, *President.*

Inclosure 4 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 12, 1886.

IN my despatch dated the 27th April and 1st May I informed your Lordship of what had occurred up to that time from the date of my arrival in connection with the important Fisheries question now before the Legislature.

2. Since then the position has frequently changed, owing to efforts of various kinds to divert the adverse current of opinion, though I am scarcely able to say that it is much improved.

3. Some time last week the proposal was made in the Committee of the Legislature which is intrusted with the consideration of this subject to waive all the objections to the Arrangement, and to recommend its acceptance, if the French Government would pledge itself to abolish the bounties which are believed to be rendering destructive the competition with the fishery industry of this Colony. Though the chance of the abolition appeared to be small, unless such a measure had been already contemplated by the French Government, a rumour of there being an intention of the kind had reached here from French merchants interested in the maintenance of the bounties.

4. As this proposal appeared to afford the only chance of passing the Arrangement in its entirety, and the resulting discussion would at least delay the movement towards absolute rejection, I was anxious that the suggestion should come before the French Government in the form most likely to be acceptable. It seemed to me that while the French Government might possibly be induced to express an intention of doing what had been, or might appear to have been, already contemplated, while the ultimate decision of the question of the Arrangement here was still in doubt, they would certainly reject such a proposal if brought before them in the shape of a formal condition attached to the acceptance of the Arrangement by the Legislature.

5. I therefore endeavoured, through my Ministers, to secure an alteration of the proposal before the Committee, so that it should take the form of a Resolution to be forwarded to me expressing a willingness to recommend an acceptance of the Arrangement if, after communication with your Lordship, I should be able to obtain an assurance from the French Government of the kind described. Having with some difficulty attained this object, I was surprised and disappointed to hear that when the Resolution, in its altered form, was brought before the Committee, it was rejected, the adverse majority of one having in it a member of the Government whom I had every reason to suppose was favourable to the proposal, inasmuch as he had heard all my arguments on the subject without giving the least sign of dissent, and had left me in entire ignorance of his real views.

6. Under these unpromising circumstances, I felt that the only chance of success lay in an endeavour, by means of personal interviews with the individual members of the Committee, to obtain a change of opinion.

7. I was inclined to think this might have a successful result in the belief derived from what was being published on the subject, that much of the opposition encountered was due partly to a misconception of the facts of the situation, and partly to an exclusive regard of particular points of the Arrangement with the consequent failure to take a view embracing the whole question.

8. I have accordingly had several long interviews with various members of the Committee, and while I am not without hope that I have, in the case of most of them, succeeded in producing a modification of their views with regard to the whole question of the Arrangement, I have some reason for confidence that at the meeting of the Committee to be held to-day the minority with regard to the proposal on the subject of the bounties will be converted into a substantial majority favourable to a Resolution which, though somewhat altered in form (in deference to personal susceptibilities), is in its substance and object identical with the proposal previously rejected.

9. If the result of this meeting should be in accordance with my anticipation, I propose to telegraph to your Lordship the purport of the Resolution.

10. In the interval of delay which will probably occur before the answer of the French Government is received, I shall consider the possibility of making a last effort to induce the acceptance of the Arrangement in the very probable event of a rejection of the new proposal by the French Government. Though the deeply-seated prejudices and the curious ignorance which prevails generally on this subject do not permit me much hope of success, the substantial effect which has been produced upon individual Members of the Legislature within the last few days seems to suggest a possibility which, however slight, is sufficient to preclude absolute despair.

11. I have at least succeeded, with much difficulty, in bringing about unanimity among the Ministers on the proposal with regard to bounties, and I am not without hope that this consensus may eventually be extended to the expediency of accepting the Arrangement, even if the bounty proposal should prove ineffective.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 5 in No. 13.

Mr. Pennell to Colonial Office.

Government House, St. John's, Newfoundland,
(Extract.) *May* 12, 1886.

I HAVE the honour to acknowledge the receipt of your letter of the 10th April last, instructing me to proceed to Newfoundland on business connected with the

Arrangement which was signed at Paris on the 14th November, 1885, relating to the Newfoundland fisheries.

I have now to report, for the information of Earl Granville, that, in accordance with his Lordship's instructions, I left England by the mail-steamer leaving Liverpool on Tuesday, the 13th April, and arrived at St. John's on Thursday, the 22nd of that month.

On Monday, the 26th, a meeting of the Executive Council was held by the Governor, who requested me to attend. At this meeting the objections entertained by the Government and people of Newfoundland to the Fishery Arrangement were pointed out by the members of the Council, and have been reported upon by Sir William Des Vœux in a despatch, dated the following day, which he has been good enough to show me. At the conclusion of the meeting it was suggested that I should attend before the Joint Committee of the two Houses of the Legislature, and hear from them more fully the nature of those objections, and offer to the Committee the views of Her Majesty's Government in regard to them.

I accordingly attended the next meeting of the Committee, which took place on Wednesday, the 28th April, at which the various objections, with the exception of that relating to Clause XVII (the Bait Clause), taken to the Arrangement, were brought forward and discussed, the Bait Clause being reserved for separate discussion at a subsequent meeting. This meeting took place on Friday, the 30th, when the objections to the clause in question were fully set forth, and it became quite evident that there would be no possibility of inducing the Committee to accept this clause, whilst the present bounties given by the French Government for the encouragement of their fishery are continued.

I annex copies of three printed papers, showing the draft Reports and Resolutions which were before the Committee at the time of my arrival.

The Reports and Resolutions show the various objections entertained by the Committee to the terms of the Fishery Arrangement signed at Paris on the 14th November, 1885.

It will be seen that the principal objections entertained to the Arrangement have reference to—

1. What is thought to be the insufficient definition of the concurrent right of fishery on the part of British subjects with the French.
2. The powers given to the Commanders of French cruizers.
3. The provision allowing to the French the right to purchase bait.

The feeling among the members of the Committee, and generally amongst all members of the community here, against allowing the French this right, whilst the French Government continue to grant bounties on fish taken by French fishermen and exported to foreign markets, is so strong that there is not the slightest probability of the Arrangement passing the local Legislature unless this difficulty can be overcome.

This became amply apparent in the course of the proceedings of the Committee at which I attended, and, at the conclusion of the second day's proceedings, I asked the Committee to consider whether, if the French could be induced to substantially reduce the bounties now given after 1891, when the rates now fixed by law terminate, they would recommend the acceptance of the Arrangement on the understanding that the French Government would consent to Regulations being made by Her Majesty's Government for the guidance of the naval officers on the station in determining their action in regard to what should constitute an interruption to French fishermen on the part of British subjects, and that Her Majesty's Government would use their utmost endeavours to obtain from Spain the most-favoured-nation treatment for fish imported from Newfoundland.

On the second point above mentioned, viz., the adoption of Regulations for the guidance of the naval officers as to what should constitute an "interruption" of French fishery, I may observe that the French Consul had informed me that he had been authorized by his Government to state that they would consent to this course.

On the 30th April the Committee adjourned to consider the proposal which I had suggested. At a meeting held a few days later the Resolution marked (A) was proposed to be substituted for the Resolution at the end of the Report.

The Committee adjourned without coming to a decision on this proposal, and I subsequently had an opportunity of speaking to Mr. Harvey, the Chairman of the Committee, on the subject of it. I explained to him that Sir William Des Vœux and I thought that there was great objection to the above proposal being made as part of a Report to the House of Assembly, that it would look like a threat to the French if the acceptance of the Arrangement were conditionally agreed upon by the Legislature

in the manner proposed, and moreover that if the Report were now made to the Legislature and agreed to, the effect would be in all probability to postpone the Arrangement to some future time, whereas Her Majesty's Government were most anxious that it should be accepted during the present Session. I suggested to Mr. Harvey that the form in which we wished the matter to be dealt with was by a Resolution to the Governor under which he might act at once, and endeavour through Her Majesty's Government to obtain from the French the undertaking required, the Report to the Legislature being meanwhile suspended. The Resolution marked (B) was accordingly proposed at a meeting of Council held on the 5th instant. It was considered in a small Committee, and was defeated by a majority of one, the numbers being five to four, one of the members of the Government unfortunately voting against his party, and the Committee adjourned until to-day, the 12th instant.

In the meantime, the Governor yesterday held a meeting of his Executive Council, the outcome of which has been that a Resolution is to be put to the Committee to-day upon the same subject, and as it is expected that the Committee will be a full one, and as the Governor has recently had an opportunity of speaking to some of the members, who will now probably vote in its favour, it is expected that the Resolution will be carried by a good majority. The Resolution is inclosed, marked (C), and the result will be communicated to Lord Granville by telegraph.

I inclose newspapers showing the general feeling on the Arrangement in the Colony,* and also an extract from the "Tarif Officiel des Douanes de France," September 1885, giving particulars relating to the bounties granted by the French Government.

Inclosure 6 in No. 13.

Report.

THE Joint Select Committee appointed by the Legislative Council and the House of Assembly to consider the Arrangement proposed to be entered into by the Governments of Great Britain and France, relative to the Treaties between the two countries on the subject of the Newfoundland fisheries, beg to report that they have carefully considered all the stipulations contained therein.

It is apparent that the Imperial Government have strenuously endeavoured to carry out the suggestions that, from time to time, have been made to them by the Legislature and the Executive of this Colony.

Under this Arrangement mining and agricultural industries may be prosecuted by English subjects, and many important territorial rights, to the exercise of which the French have at different times objected, are by them conceded.

The Committee fully appreciate the endeavours made by the Imperial Government to carry out the views and advance the interests of Newfoundland evidenced by many of the clauses of the Arrangement; but the Committee have, after the most careful examination, arrived at the conclusion that it is quite impossible for the Legislature, having due regard to the position of affairs in this Colony, to agree to other conditions of the proposed Arrangement.

Among the objectionable stipulations the Committee would especially point out Clause XVII, whereby Newfoundland is called upon to surrender its right to restrict the export or sale of bait, thereby resigning the control of this the most vital necessity for the prosecution of the cod-fishery, and binding the Colony to furnish our bounty-fed rivals in the future with an unlimited supply of this important requisite, to enable them to drive out our most important staple from the markets of the world.

The Committee therefore recommend that the Legislature decline to assent to this Arrangement, and they append a statement of the present position of the bait question, and some suggestions for legislation thereon.

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* Not printed.

Inclosure 7 in No. 13.

Statement referred to in the Report of the Joint Select Committee on the Arrangement between Great Britain and France relative to the Newfoundland Fisheries.

THE three bait fishes with which most of the codfish on the Banks of Newfoundland and in deep waters in the vicinity of the island are caught—the herring, the capelin, and the squid—can be so much more advantageously taken in very shoal water than at greater depths, that practically supplies can only be obtained in the harbours and on the beaches of the Newfoundland coast.

One of the stipulations of the Treaty of Washington was that American vessels, fishing for cod, should have the right of taking these bait fishes on all the shores of Newfoundland; and, although they, as a rule, found it more advantageous to buy their bait from resident fishermen than to catch it for themselves, no privilege was so much availed of as the obtaining this supply of bait.

The evidence taken before the Halifax Commission showed the vast advantage of fresh bait in the prosecution of the cod-fishery on the Banks.

Until within the past four or five years the disastrous effect of supplying the French with bait has not been so apparent, because the French Bank fishery was almost entirely carried on by large ships fitted out in France, which took back nearly their whole catch to be consumed in that country—the small remainder left at St. Pierre finding its way to the French West Indies—and forasmuch as only French-caught fish was allowed under any circumstances to be imported into France, Newfoundland fish seldom, if ever, found it as a competitor in the markets which principally consumed our fish.

But this has been entirely changed during very recent years—the immense bounty given by France, averaging about 11 fr. per 112 lbs. (English) for all codfish exported from St. Pierre to countries outside France, has led to a vast development of a local St. Pierre fleet of small vessels, similar to the American, Nova Scotian, and Newfoundland bankers, to some extent at least owned not by French, but by American and English subjects, though sailing under the French flag. This large and constantly increasing fleet does not find sufficiently extensive markets in French territory for its catch, and thus is now competing with our staple in all the principal European markets. Fitting out more cheaply than our bankers, because obtaining supplies of all sorts almost free of duty at St. Pierre, using the same fishing-grounds, they obtain their supply of bait from our waters, and take their fish with every other advantage that we are possessed of. This fish is landed at St. Pierre, and on its export to Spain it receives from the French Government a bounty equivalent to some 10 fr. per English quintal. Furthermore, as Newfoundland is shut out, because of her British nationality, from the most-favoured-nation clause in the Spanish Tariff, the St. Pierre fish enters that market at about 2 fr. 40 c. lower duty than Newfoundland fish. The average price of Newfoundland fish in this island during last season may be taken to be about 16 fr. per 112 lbs.

It will be seen that the bounty and differential duty on St. Pierre fish (costing no more than ours), entering Spain, amount to nearly 12½ fr. per 112 lbs., equal to an addition of 78 per cent. on the prices obtained by our fishermen. What wonder that our fishing industry is becoming unremunerative, and that many of our fishermen are starving?

So much for the French. Let us now consider our position with regard to the Americans. Last year their vessels came on our shores fitted out as cheaply as our own; enjoyed the shelter of our harbours; obtained supplies of bait; fished on equal terms with our vessels; took their fish into American markets duty free, and taxed our exports from 16 to 25 per cent. on entering their markets, and they propose to repeat the operation during the current year.

It seems impossible that our chief industry can continue to thrive with such terrible odds against it. Does it seem wonderful that our revenues are failing, that our fishermen and merchants are becoming impoverished?

If we look round to see if there is any mode by which we can make this competition more even, or place ourselves more nearly on a level with our rivals, but one solution appears to suggest itself. If bait is of as much value as the French by their insistance on the supply being furnished them imply that it is, we may surely prohibit our own fishermen providing foreigners with the means to destroy our principal industry. We may surely say to the French that "We will sell no bait while you pay a bounty of three-quarters of the value of the fish to drive us out of all the open markets of the world." And to the Americans: "We will sell you no bait until you permit the fish, its

produce, when taken by our fishermen, to enter your markets on equal terms with your own."

The Petitions which have been referred to this Committee by the Legislature show that a large number of those who have been engaged in supplying bait to foreign fishermen, having seen the injury that is accruing to this Colony thereby, now ask that this traffic should be suppressed.

A portion of one district alone, that of Fortune Bay, appears to be desirous of continuing the trade in bait with St. Pierre, a trade which, so far as the imports thence to this Colony are concerned, has been to a large extent illicit; it has defrauded the revenue, increased the burden of taxation on honest traders, and demoralized those who have taken part in it.

The suggestion contained in the *note verbale* appended to the Arrangement, that if Newfoundland assents thereto a British Consul would be acknowledged at St. Pierre, might tend to lessen the evils of this illicit traffic; but it is not apparent why such an officer should be objected to in any case.

From these considerations the Committee recommend that an Act regulating the taking and export of bait fishes in the form hereto annexed should be passed by the Legislature, believing that it would not only benefit our own cod fishery and restore us some of the markets that are being wrested from us, but would bring to the notice of all affected by it the hardships under which this Colony is now labouring, and might possibly lead to some modification in the legislation of the countries at present so hostile to us.

Inclosure 8 in No. 13.

Resolutions reported from the Joint Select Committee of the House of Assembly and Legislative Council appointed to inquire into and report upon the proposed Concessions of Fishing Privileges to the French, under the Arrangement between the Imperial and French Governments, dated November 14, 1885.

WHEREAS Her Majesty's Government have recognized, in the most solemn manner, the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated except by the local Legislature; and have by the Arrangement of 1885, made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized as essential to the validity of the said Arrangement its ratification by our local Legislature:

And whereas the future rights and privileges of British subjects in this island, and the permanent stability and maintenance of British interests in North America, are intimately implicated with the settlement of the present question upon the basis proposed:

And whereas the concessions made to the French by the said Arrangement would practically place them in possession of all the principal harbours on the coast between Cape Ray and Cape John, to the prejudice of the supremacy of England in her own waters, and to the entire exclusion of British fishermen from any of the fishing privileges of that coast:

And whereas the said Arrangement gives joint jurisdiction in matters criminal as well as civil, to the ignoring of our local Tribunals established on that coast, and to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled to in Tribunals of Justice:

And whereas the concessions in the said Arrangement to the French of landing their goods on our shores for the fishery free of duty would lead to a complete disturbance of our whole fiscal system, and open the door to illicit commercial intercourse with our people, which, under present circumstances, would involve the suspension of all those public works enterprised for the development of the resources of the Colony:

And whereas the French fisheries on our coasts are sustained and stimulated by a liberal bounty from the French Government to French fishermen, and our people are in consequence unduly burdened in their competition in foreign markets, to the almost complete exclusion of their fish-products from the said markets:

And whereas this proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the ports of this Colony, without any reservation of power on the part of the Colony to restrict them by local legislation:

And whereas the supply of bait to the French has become an absolute necessity to the fishermen of that nation, without which they would be unable to compete with Her Majesty's loyal subjects in this island:

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of the Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population:

And whereas it is recognized in this Colony that, for some years to come, the mineral and agricultural resources of the Colony must remain ancillary to that staple industry:

And whereas no equivalent is ceded to this Colony for those large and important concessions proposed to be made by us to the French by this Arrangement, an Arrangement which, if accepted, would practically shut the doors of the oldest and most loyal of British Colonial possessions against future colonization:

Be it therefore resolved that, for the reasons hereinbefore set forth, and by virtue of that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we do consider it our bounden duty, in the interests of Her Majesty's loyal subjects in Newfoundland and elsewhere, to emphatically refuse to assent to the Arrangement now proposed for our ratification.

Inclosure 9 in No. 13.

Report of the Joint Committee of the House of Assembly and Legislative Council appointed to consider and report upon the Arrangements between Her Majesty's Government and the Government of France, dated the [ ].

THE Joint Committee of the Legislative Council and House of Assembly, appointed to consider and report upon the Arrangement made between Her Majesty's Government and the Republic of France in reference to the fishing rights of the French on the west coast of Newfoundland, beg to report that they have most carefully considered the matter to them referred, and regret that they cannot recommend the Legislature to ratify the proposed Arrangement.

The primary objection is to be found in the question of permitting subjects of France to indiscriminately, and without restriction, purchase bait in all the ports of this Colony. This matter of bait is of paramount importance to our people. The herring, capelin, and squid, the bait for the capture of cod, are practically only, or at least most advantageously, obtainable in our harbours and on the beaches of our coasts; and the advantages which our coasts offer in respect of bait supply to those prosecuting the fishery on the Banks and in the deep waters in the vicinity of our island are illustrated by the fact that the stipulation in the Washington Treaty most valued by the Americans was the privilege of taking that bait. The vast superiority of fresh over salted bait for use on the Banks has been satisfactorily established, and the testimony of United States' and Canadian fishermen, taken before the Halifax Fishery Convention of 1878, leaves no other conclusion admissible.

The French fishery, in relation to ours, has undergone considerable modification in recent years. seriously operating to our disadvantage. In the first place, to fish exported from St. Pierre, Miquelon, to countries outside France, that is to say, to markets where it competes with ours, an average bounty of 10 fr. per quintal (112 lbs. English) is at present paid by the French Government. Formerly this did not conflict with our interests, as the French bankers were equipped in France, and brought most of their produce back to France to be consumed there, leaving only a small portion for exportation from St. Pierre to the French West Indies. Consequently, Newfoundland rarely, if ever, found France a competitor in those markets to which we exported our fish.

Now, however, St. Pierre, Miquelon, has become an extensive port of trade and of export for traders from other countries, and there is a large fleet of French bankers, and also a fleet sailing under the French flag, managed by French agents at St. Pierre, and owned to a considerable extent by English and American subjects, employed in competing with us in all the European markets. This increasing fleet of Bank-fishers has an enormous advantage over our fishermen in that, in addition to the bounty before referred to, they obtain food and goods of all kinds necessary for the fishery at St. Pierre almost free of duty. While our fishermen are thus handicapped in the catching of fish, this fleet

of bankers from St. Pierre obtain their supply of bait from our waters. The fish thus taken is landed at St. Pierre, and on its export to Spain receives from the French Government a bounty equivalent to 10 fr. for every 112 lbs. (English). It will thus be seen that, in consequence of this bounty and the "favoured-nation clause" in the Spanish Tariff, French fish from the Island of St. Pierre enters the Spanish markets at about 2 fr. 40 c. lower duty than Newfoundland fish. The average price of Newfoundland-cured fish in this island during the past season was about 16 fr. for every 112 lbs. (English). It will thus be seen that the bounty and differential duty on St. Pierre fish (costing no more than ours) entering Spain amount to 12 fr. 50 c. on 112 lbs., equal to an addition of 78 per cent. on the price obtained by our people.

It seems impossible, therefore, that our chief industry, having to encounter such terrible odds, can continue to thrive. Does it seem surprising that our revenues are failing, that our merchants are becoming embarrassed, and our fishermen impoverished?

A large number of those who have been engaged in supplying the French with bait, having seen the injury accruing to this Colony, are desirous that this traffic may be suppressed. A portion of one district, Fortune Bay, lying contiguous to St. Pierre, Miquelon, appears to be desirous of continuing this trade in bait, a trade which, so far as the imports thence to this Colony are concerned, has been, to a large extent, illicit. This illicit trade has defrauded the revenue and increased the burden of the honest trader. The *note verbale* appended to the Arrangement suggests that if Newfoundland assents to the Arrangement, a British Consul would be acknowledged at St. Pierre, Miquelon. This might, to some extent, tend to lessen the evils of this illicit traffic, but it is not apparent why such an officer should be objected to in any case.

This state of facts has to be confronted with the language of the Declaration of His Britannic Majesty appended to the Treaty of Versailles (1783), "that the King of Great Britain, in ceding the Islands of St. Pierre and Miquelon to France, regards them as ceded *for the purpose of serving as a real shelter to the French fisherman, and in the full confidence that these possessions will not become an object of jealousy between the two nations;*" and the language of the Counter-Declaration of His Most Christian Majesty the King of France, who was graciously pleased to reply that the King of Great Britain "may rely on his constant attention *to prevent the Islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.*"

The Committee have also taken into respectful consideration the earnest desire expressed by Her Majesty's Government for a satisfactory settlement of this long-existing and much-vexed question. They are fully alive to the difficulties which surround it, and thoroughly appreciate the knowledge and attention bestowed upon the subject by Her Majesty's Delegates at the Convention; but believing that the Colony of Newfoundland would be materially and injuriously affected by the acceptance of the proposed Arrangement, this Committee have, after mature deliberation and with every desire to meet, as far as possible, the wishes of Her Majesty's Government, passed, and hereby submit, for the consideration of the Legislature, the following

Resolutions.

Whereas Her Majesty's Government have recognized in the most solemn manner the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated except with the consent of the local Legislature, and have, by the despatch accompanying the Arrangement of 1885 made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized as essential to the validity of the said Arrangement its ratification by our local Legislature:

roposed by Member be nitted.

And whereas the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast:

roposed by Member be nitted.

And whereas the said Arrangement gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and proceedings to which, as British subjects, we are accustomed and entitled in Tribunals of Justice:

And whereas, from the construction of the terms of Articles VIII and IX of the proposed Arrangement, the claim of the French to an "exclusive right" of fishing is not withdrawn, and the "concurrent right" of British fishermen to fish everywhere on the coast between Cape John and Cape Ray is only conditionally admitted by the said Arrangement:

And whereas the French fisheries on our coasts are sustained and stimulated by an

enormous bounty from the French Government to French fishermen, and our people are, in consequence, unduly burdened in their competition in foreign markets to the almost complete exclusion of their fish products from the said markets:

And whereas the proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the ports of this Colony without any reservation of power on the part of the Colony to restrict them by local Legislature:

And whereas the great decline of late years of the inshore fishery of this Colony has necessitated the turning of our attention to the Bank fishery, and the economizing of the supply of bait-fishes, *in which ample proof of a marked decadence has been shown within the past few years:* Proposed by a Member to be omitted.

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of this Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population:

And whereas no acceptable equivalent is ceded to this Colony for these large and important concessions proposed to be made by us to the French by this Arrangement: Proposed by a Member to be omitted.

Be it therefore resolved,—That by virtue of that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we consider it our duty, in the interests of Her Majesty's loyal subjects in Newfoundland *and elsewhere*, to respectfully decline to assent to the Arrangement now proposed for our ratification.

All of which is respectfully submitted.

Committee Room, Legislature, Newfoundland, this day of April, A.D. 1886.

Inclosure 10 in No. 13.

(A.)

Proposed Substitute for the Resolution at the end of the Report.

THE Committee therefore recommend that the Arrangement as at present proposed be not assented to; but being deeply impressed with the importance attached to this matter by the Imperial Government, and feeling that great sacrifices should be made by this Colony in the interests of peace and amity between two great nations, suggest that if the French and English Governments can arrive at a binding agreement by which the French Government will, at the expiry of their present engagements as to bounties, undertake to abolish all bounties on fish caught on the Banks and shores of Newfoundland when exported to other than French possessions, retaining only such bounty and protection as they may deem fit on fish consumed in such possessions, that the Legislature should then agree to accept the Arrangement, notwithstanding the several stipulations therein, heretofore enumerated, detrimental to the interest of this Colony.

Inclosure 11 in No. 13.

(B.)

Resolution.

MOVED by the Honourable M. Monroe, seconded by the Honourable Jas. S. Pitts:—

That this Committee consent to the Arrangement provided that a binding arrangement can be arrived at between the Governments of Great Britain and France that at the expiration of the present terms for which the French bounties have been granted, not later than 1891, that Government will abrogate the bounties of every description, direct or indirect, on fish caught on the Banks and coast of Newfoundland when exported to foreign countries, retaining only such bounties and protection as they may see fit on fish consumed in French possessions. And further, if an explanation can be arrived at as to the interpretation of "obstruction" and "interference" which will prevent our fishermen being harassed on the French Shore, unless there is an actual and *bonâ fide* obstruction of French fishermen, this Committee will recommend the acceptance of the Arrangement of 1884 to the Legislature of this Colony.

Inclosure 12 in No. 13.

(C.)

Resolution.

RESOLVED,—That the "Arrangement signed at Paris on the 14th November, 1885, relating to the Newfoundland Fisheries question," and now submitted for confirmation to this Legislature, appears to us open to grave objections, especially with regard to the obligation to permit the supply of bait, but having regard to the serious injury which is already being suffered by, and the absolute ruin which is impending over, the most important industry of the Colony, as the effect of the bounties granted in aid of French fishermen, which are now felt more keenly than ever before, owing to the present depressed prices of fish in the markets of the world, and being deeply impressed with the importance attached to the Arrangement by the Imperial Government as a means of promoting peace and amity between two great nations, we should be willing to consider all the above objections as outweighed, and should have no hesitation in recommending the adoption of the Arrangement by the Legislature, if we were to receive through his Excellency the Governor a definite assurance from the French Government that, after the year 1891, when, as we understand, the present Law on the subject expires, all bounties, direct and indirect, will cease to be granted in connection with the export to non-French countries of fish obtained on the Banks and coasts of Newfoundland and its dependencies.

And also that it should be clearly defined that our fishermen should not be disturbed in fishing on the coast where the French have certain fishing privileges unless they are *bonâ fide* interfering with French fishermen in pursuit of their occupation.

And also that in cases where English fishermen may be examined on board French men-of-war touching any offence supposed to have been committed, the statement of the circumstances shall be taken from such fishermen in the English language, and appended to the French statement.

Inclosure 13 in No. 13.

Péche de la Morue.—Primes allouées et Admission des Produits.

479. LES primes pour l'encouragement de la pêche de la morue ne sont accordées qu'aux armements de navires Français et qu'au transport par navires Français des produits de la pêche Française. Elles ont été fixées comme suit à partir du 1er Juillet, 1881, jusqu'au 30 Juin, 1891:—

Primes d'Armement.

1.—50 fr. par homme d'équipage pour la pêche avec sécherie, soit à la côte de Terre-Neuve, soit à Saint-Pierre et Miquelon, soit sur le Grand Banc de Terre-Neuve;

2.—50 fr. par homme d'équipage pour la pêche sans sécherie dans les Mers d'Islande;

3.—30 fr. par homme d'équipage pour la pêche sans sécherie sur le Grand Banc de Terre-Neuve;

4.—15 fr. par homme d'équipage pour la pêche au Doggersbank.

La prime d'armement n'est accordée qu'une fois par campagne de pêche.

Primes sur les Produits de la Péche.

Nature des Produits.	Pays de Destination.	Lieux et Mode d'Expédition.	Quantité de la Prime.
			Par 100 kilog.
			Fr.
Morues sèches de pêche Française	Colonies et établissements Français de l'Amérique, de l'Inde, et de la Côte Occidentale d'Afrique, ou autres pays Transatlantiques, pourvu qu'il existe un Consul Français au port d'importation	Directement des lieux de pêche ou des entrepôts de France	20
Dito, dito	Mêmes Colonies et établissements Français ou mêmes pays Transatlantiques	Des ports de France, sans y avoir été entreposées	16
Dito, dito	Pays sur les côtes de la Méditerranée :—		
	Européens, moins les anciens États Sardes, autres moins l'Algérie	Directement des lieux de pêche ou des ports de France	16
	Anciens États Sardes ou l'Algérie	Directement des lieux de pêche ou des ports de France	12
Rogues de morue de pêche Française	Rapportés en France par les navires pêcheurs et provenant de leur pêche		20

(*Lois du* 22 *Juillet,* 1851, *Articles* 1er *et* 3, *du* 28 *Juillet,* 1860, *du* 3 *Août,* 1870, *et du* 15 *Décembre,* 1880.)

(Translation.)

Cod Fishery.—Amount of Bounties and Admission of Produce.

479. BOUNTIES for the encouragement of cod-fishing are granted only for the fitting out of French vessels and for the transport in French bottoms of the produce of the French fisheries. They have been fixed as follows for the period from the 1st July, 1881, to the 30th June, 1891 :—

Bounties on Vessels fitted out.

1.—50 fr. per head of the crew for fishing and drying, either on the Newfoundland coast, at St. Pierre and Miquelon, or on the Great Bank of Newfoundland;

2.—50 fr. per head of the crew for fishing, without drying, in the waters of Iceland;

3.—30 fr. per head of the crew for fishing, without drying, on the Great Bank of Newfoundland;

4.—15 fr. per head of the crew for fishing on the Doggersbank.

The bounty is granted only once in the course of the fishing season.

Bounties on the Produce of the Fisheries.

Nature of the Produce.	Country of Destination.	Place whence, and how, dispatched.	Amount of the Bounty.
			Per 100 kilog. Fr.
Dried cod caught by French fishermen	French Colonies and establishments in America, India, and the West Coast of Africa, or other Transatlantic countries, provided there be a French Consul at the port of importation	Direct from the fishing grounds or from bonded warehouses in France	20
Ditto, ditto	Same French Colonies and establishments or same Transatlantic countries	Ports of France, without passing through bond	16
Ditto, ditto	Countries on the Mediterranean coasts:—		
	European, except the old Sardinian States; non-European, except Algeria.	Direct from the fishing grounds or from ports of France	16
	Old Sardinian States or Algeria	Direct from the fishing grounds or from ports of France	12
Roe of cod caught by French fishermen	Taken to France by the fishing-vessels straight from their fishing grounds		20

(*Laws of July* 22, 1851, *Articles* 1 *and* 3, *of July* 28, 1860, *of August* 3, 1870, *and of December* 15, 1880.)

Inclosure 14 in No. 13.

Governor Sir G. Des Vœux to Earl Granville.

(Telegraphic.) *Government House, Newfoundland, June* 2, 1886.

HOMEWARD mail having been delayed in consequence of fog, Pennell leaves to-morrow. Legislature prorogued 19th May. Committee sits during recess.

No. 14.

M. Waddington to the Earl of Rosebery.—(Received June 22.)

M. le Comte, *Londres, le* 21 *Juin*, 1886.

J'AI l'honneur, d'ordre de mon Gouvernement, de faire connaître à votre Excellence qu'en présence de l'attitude prise par le Parlement de Terre-Neuve à l'égard de l'Arrangement sur les pêcheries et de la vente de la boëtte, M. de Freycinet vient de prescrire les mesures qu'il a cru nécessaires pour garantir efficacement à nos pecheurs l'exercice des droits qui leur sont assurés par les Traités.

En me priant de porter cette décision à la connaissance du Gouvernement de Sa Majesté Britannique, M. de Freycinet m'a chargé d'indiquer à votre Excellence les dispositions que, dans les circonstances présentes, il a été contraint d'adopter.

Les instructions qui ont été adressées aux Commandants de nos croiseurs sont les mêmes que le Gouvernement de la République avait déjà jugé nécessaire de donner en 1883. Elles enjoignent à nos officiers de saisir et de confisquer tous les engins appartenant aux étrangers, résidents ou autres, qui pêcheraient sur la partie de la côte dont la jouissance nous est réservée. Ils doivent également protester contre toute construction ou exploitation établie ou tentée par les Anglais sur le "French Shore" et ne

tenir aucun compte des actes émanant des Magistrats que le Gouvernement Colonial y aurait institués. De plus, mon Gouvernement a cru devoir modifier en ce qui concerne la question des saumoneries, l'attitude tolérante observée par nous dans ces derniers temps et assurer en même temps à l'exploitation du homard, à laquelle certains de nos nationaux comptent se livrer cette année, la même protection qu'à la pêche ordinaire de la morue.

M. de Freycinet, en me demandant de vous faire connaître les dispositions que lui a paru comporter la situation créée par l'attitude du Parlement de Terre-Neuve, m'a prié en outre d'insister particulièrement auprès de votre Excellence pour ne pas lui laisser ignorer la résolution qui a été prise par nous d'exercer dans toute leur étendue et dans toute leur rigueur les droits que nous tenons des Traités. Votre Excellence se souviendra que dans les entretiens que j'ai eus avec elle, il y a deux mois, je lui avais déjà déclaré que le Gouvernement de la République serait obligé de suivre cette voie, si la Législature de Terre-Neuve refusait d'accepter la Convention signée par les deux Gouvernements, et que cette Convention constituait le dernier mot des concessions que nous pouvons faire; d'ailleurs, nous ne les avions faites que sur la déclaration explicite que les Terre-Neuviens s'en contenteraient et ne demanderaient rien de plus.

Toutefois, d'après les instructions précises adressées aux Commandants de nos croiseurs, ils ne devront recourir à l'emploi des mesures de rigueur, qu'ils sont autorisés à appliquer, qu'autant que, indépendamment de la résistance des pêcheurs étrangers à leurs injonctions, l'absence ou l'inaction des croiseurs Anglais les mettrait dans la nécessité de garantir par eux-mêmes à nos pêcheurs le libre et tranquille exercice de leur industrie. Mon Gouvernement estime donc, et je ne saurais assez insister sur ce dernier point, qu'il dépendra pour une large part des instructions que le Gouvernement de Sa Majesté Britannique donnera à ses croiseurs et du soin qu'il apportera à en surveiller l'exécution, que nos officiers n'aient pas à user des pouvoirs dont nous nous trouvons dans la nécessité de les munir.

Je n'avais pas caché il y a déjà quelque temps à votre Excellence la pénible surprise que l'on avait éprouvée en France en voyant les preuves plusieurs fois renouvelées du peu de cas que l'on faisait à Terre-Neuve de l'accord solennel intervenu entre nous et le Gouvernement de Sa Majesté Britannique.

M. de Freycinet a jugé aujourd'hui que dans ces conditions il ne pouvait plus prolonger l'attitude tolérante que nous avions observée jusqu'ici, et que les faits constatés aujourd'hui nous obligent à nous préoccuper uniquement de l'affirmation de nos droits dans les limites tracées par les Traités.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, June* 21, 1886.

I HAVE the honour to inform your Excellency, by order of my Government, that, in view of the attitude assumed by the Newfoundland Parliament with regard to the Arrangement respecting the fisheries and the sale of bait, M. de Freycinet has just given such directions as he thought necessary in order to effectually guarantee to our fishermen the exercise of the rights assured to them by the Treaties.

In requesting me to communicate this decision to Her Majesty's Government, M. de Freycinet has directed me to inform your Excellency of the arrangements which, under the present circumstances, he has been obliged to adopt.

The instructions which have been addressed to the Commanders of our cruizers are the same as those which the Government of the Republic had already thought it necessary to give in 1883. Our officers are directed to seize and confiscate all instruments of fishing belonging to foreigners, resident or otherwise, who shall fish on that part of the coast which is reserved for our use. They are likewise to protest against all buildings or operations established or attempted by the English on the "French Shore," and to take no account of acts emanating from the Magistrates whom the Colonial Government may have placed there. Moreover, my Government have thought it their duty to modify the tolerant attitude regarding the question of salmon fisheries lately maintained by us, and, at the same time, to assure the same protection to the lobster fishery, which some of our citizens intend to undertake this year, as to the ordinary cod fishery.

M. de Freycinet, in requesting me to acquaint you with the measures which the situation created by the attitude of the Newfoundland Parliament seems to him to have necessitated, has asked me also to call your Lordship's special attention to the resolution taken by us to exercise to their fullest extent and with the utmost strictness the rights which we possess by the Treaties. Your Lordship will remember

that, in the interviews I had with you two months ago, I declared that the Government of the Republic would be compelled to pursue this course, if the Newfoundland Legislature refused to accept the Convention signed by the two Governments, and that this Convention was our last word as to the concessions we could make; moreover, we had only made them on the explicit declaration that the Newfoundlanders would be satisfied with them, and would make no further demands.

Nevertheless, according to the precise instructions addressed to the Commanders of our cruizers, they are only to have recourse to the severe measures which they are authorized to employ, when, independently of the resistance of the foreign fishermen to their orders, the absence or inaction of the English cruizers should place them in the necessity of themselves securing to our fishermen the free and undisturbed exercise of their industry. My Government therefore believe, and I cannot sufficiently dwell on this last point, that it will greatly depend on the instructions which Her Britannic Majesty's Government may give to their cruizers, and on the care with which they may carry them out, whether our officers will have to use the powers with which we have found it necessary to intrust them.

I did not conceal from your Excellency some time ago the painful surprise which was felt in France at seeing repeated proofs of the slight attention paid in Newfoundland to the solemn Agreement entered into between us and Her Britannic Majesty's Government.

M. de Freycinet considers that, in these circumstances, he could not prolong the tolerant attitude we have hitherto observed, and that the facts now brought to our knowledge compel us to look exclusively to the assertion of our rights within the limits prescribed by the Treaties.

I have, &c.
(Signed) WADDINGTON.

No. 15.

Colonial Office to Foreign Office.—(Received July 7.)

(Extract.) *Downing Street, July 6, 1886.*

WITH reference to previous correspondence relating to the negotiations upon the subject of the Arrangement relating to the Newfoundland fisheries signed at Paris in November last, I am directed by Earl Granville to transmit to you copies of despatches from the Governor of Newfoundland, as well as of a further Report from Mr. Pennell, relating to the attitude of the Legislature of Newfoundland in regard to this Arrangement.

Lord Granville proposes to approve the proceedings of Sir W. Des Vœux.

Inclosure 1 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May 14, 1886.*

I HAVE the honour to inform you that on the 14th instant I informed you by telegram that, all resources having been exhausted, I find that the Committee will not recommend the Arrangement with or without clause relating to bait, unless concession is made by France with regard to bounties and otherwise, which would require prolonged negotiations.

To prevent an adverse Report and vote, I propose to prorogue the Legislature next week, and shall arrange, if possible, for Committee to have power to sit during recess.

Mr. Pennell leaves by the next mail, about the 24th.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May 24, 1886.*

IN my despatch of the 12th instant I had the honour to inform your Lordship of the position of affairs at that time as regards the Fishery question now before the Legislature.

2. On the following day the Committee of the two Houses to which the subject has been referred having obtained leave to communicate with me, nine of them came to this house, the whole number being thirteen.

3. They informed me through their Chairman that they were quite agreed as to the impossibility of reporting favourably on the Arrangement under present circumstances, but at the same time pledged themselves individually to support it, and expressed complete confidence in being able to procure its confirmation by the Legislature if they were to obtain an assurance that the French Government (1) would not renew the export bounties after the expiration of the existing Law on the subject; (2) would consent to a definition, satisfactory to the two Governments, of the words "interrupt in any manner" contained in the Declaration of 1873, and Article VIII of the Arrangement; and (3) would permit British fishermen when brought before the Commanders of French ships of war to have their statements taken down in writing in their own language and attached to the proceedings, this being alleged to be one of the provisions of the North Sea Fishery Treaty.

4. There was also another condition, that the right of procuring bait should always belong to the French during such time as the British may be permitted by law to take it, and this was represented as a concession to the French, as it would enable them at present to get bait before the date fixed by the Arrangement; but on its being pointed out to them that the French did not require bait before the 5th April (the date fixed by the Arrangement), and would not regard as a concession a provision which would put it in the power of the Newfoundland Legislature to fix a later date both for British taking and French procuring, the point was not insisted on.

5. In reply, after expressing at length my reasons for regretting the non-acceptance of the Arrangement, and my grave apprehension of serious consequences to the Colony, I said that it seemed to me extremely improbable that the desired concessions could be obtained without prolonged negotiations, and if they were insisted on as a *sine quâ non* it would be hopeless to attempt a settlement of the question during the present Session. I would, however, consider the matter and communicate with them further.

6. Further consideration was, however, rendered useless in consequence of a communication received next day from the French Consul. This was to the effect that he had had a message from his Government intimating that no alteration would be made in the bounties.

7. Under these circumstances, the other business of the Legislative Session being almost concluded, and there being reason to fear that the Members would reject the Arrangement without qualification if they were detained any longer from their private avocations, I informed Mr. Thorburn, the Premier, and Mr. Harvey, the Chairman of the Committee, that I had become satisfied of the impossibility of obtaining a settlement of the new questions raised without prolonged negotiations; that the best chance, and that a very remote one, of a decision in accordance with these wishes lay in a personal explanation of the situation by Mr. Pennell after he had returned to England, and that I therefore proposed to prorogue the Legislature when the other business was finished.

8. On it being intimated to me that a Report on the Arrangement would be required from the Committee, and that there was thus a probability of an adverse vote, I suggested that the Committee, after informing the two Houses that communications were taking place with me, might obtain leave to sit during the recess with a view to further report next Session.

9. This suggestion was adopted, and the permission of the two Houses being obtained accordingly, the Legislature was prorogued by me last Wednesday.

10. As Mr. Pennell proceeds to England by the same steamer as is intended to carry this despatch, and will be able to make your Lordship acquainted with the state of affairs here better and more fully than it would be possible for me to do in writing, I see no necessity for further trespassing on your Lordship's time, and I content myself with saying, therefore, that Mr. Pennell has been indefatigable in his exertions to obtain the object of his mission, and the want of success has in no degree been due to any defect or omission on his part, but simply to a fixed belief on the part of the people of the Colony that the Arrangement would remove their only chance of averting impending ruin, unless accompanied by the principal concession desired.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 3 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 25, 1886.

I HAVE the honour, with much regret, to inform your Lordship that I have been obliged to prorogue the Legislature of the Colony without any decision having been arrived at with regard to the Fishery Arrangement with France.

2. The Committee which was appointed to consider the Arrangement, having more than once almost agreed upon a Report recommending its rejection, at last decided, after obtaining leave to communicate with me, to intimate the impossibility of accepting the Arrangement under present circumstances unless the following concessions were made by the French Government:—

(1.) An undertaking not to renew the bounties on the export of fish to French ports after the expiration of the existing Law on the subject in 1891;

(2.) A definition, satisfactory to both sides, of the words, "interrupt in any manner the fishery of the French," contained in the Declaration of 1783, and Article VIII of the Arrangement; and

(3.) A provision similar to one said to be contained in the North Sea Fishery Treaty, under which British subjects, examined by the Commanders of French ships, would be entitled to have their statements taken down in their own language and attached to the proceedings.

3. As there was an increasing impatience on the part of the Members of the Legislature with regard to any further prolongation of a Session already unusually protracted, and as I felt the above concessions could not possibly be obtained quickly, if at all, I caused the Committee to be informed that the best course under the circumstances would be to allow the consideration of the Fishery question to remain in suspense until Mr. Pennell, after his return to England, had had an opportunity of explaining the position of affairs to Her Majesty's Government.

4. Such an outcome of all the trouble which has been taken in this matter, however disappointing, appeared to me preferable to an unconditional rejection of the Arrangement, which was the inevitable alternative, and so, after the Committee had obtained permission to sit during the Parliamentary recess, and to report next Session, I prorogued the Legislature.

5. Various papers which Mr. Pennell will take with him to England will enable Her Majesty's Government to understand the position of affairs here which renders the Arrangement unacceptable to the people of the Colony. It may be convenient, however, that I should give in a succinct form what are the various causes for an opposition which is almost universal.

6. By a very considerable proportion, probably a large majority of the people, the rights of the French on the Treaty Shore are not at all understood, and the assertion of them in any way is regarded as a wrong. The population which has grown up on this Shore since the Declaration of 1783, now amounting to some thousands, look upon it as an intolerable hardship that they should be obstructed in, much less prevented from, fishing on what is their own, and to many of them their native coast; and the acts, authorized and unauthorized, which have in the course of years been done by the French, in assertion of their rights, have come to be regarded simply in the light of injuries.

7. Not only the present Arrangement, therefore, but any Arrangement with the French giving a local recognition to the obnoxious rights, would meet from these people a persistent opposition, as conceding what is, in their opinion, a part of their birthright.

8. The number of persons interested in the Treaty Shore is small compared with the population of the Colony, but a sentiment of sympathy with them is very general; and this, I apprehend, will always be found to present a difficulty in obtaining acquiescence in any terms which would be acceptable to France. The present opposition, however, among the Members of the Legislature and other intelligent persons to the Arrangement now under consideration is principally due to another cause; and if that could possibly be removed, I do not doubt that a large majority of both Houses would be induced to assent to the Arrangement.

9. The bounties on the export of fish to foreign countries, though they have for a long time been granted by the French Government, have only recently been felt in their full effect by the people of this Colony.

10. Owing to the war with Germany, and other causes, the French fishery on the coasts and Banks of Newfoundland produced, until lately, only sufficient, and barely

sufficient, to supply the markets of France, so that the provisions for export bounty had no, or hardly any, operative effect; but of late years the industry has made such rapid strides that the French not only supply their own country, but are able, with the assistance of the bounties, to enter into a destructive competition with the British in the important markets of Spain and Italy; and it is generally believed here that if this progress continues the most important industry of this Colony—that, in fact, upon which probably nine-tenths of the population, directly or indirectly, depend—will be entirely annihilated.

11. The increased production of the French, happening simultaneously with a similar increase in Norway, is rapidly lowering prices, to which accordingly the fixed amount of bounty bears a continually larger proportion, and the depression has already caused here very serious suffering and distress among the people.

12. As a remedy to this state of things, the colonists claim to have one, and only one, effective resource.

They say that the objectionable quantity of fish secured by the French is dependent on their power to obtain bait from the fishermen on the southern coast of this island. If this mode of obtaining bait were prevented they might still maintain their fishery with bait bought or taken at a later date, and with greater difficulty and expense, on the Treaty Shore, but the quantity of cod secured under these comparatively disadvantageous conditions would be only sufficient to supply France itself, and would thus preclude competition in the markets which maintain the British industry.

13. Under these circumstances it is easy to understand the objection of the Colony to Article XVII of the Arrangement, which grants to the French an inalienable right to obtain bait on the shores of this island.

14. The colonists say, "We are willing to give the French all the advantages we possess in this respect, if they will cease to compete with us on unfair terms. In a word, let them give up their bounties, and we will permit them to have all the bait they require.

15. When it is urged that the British Government has more than once expressed its inability to sanction a Law prohibiting the sale of bait, they reply they cannot believe when the circumstances are known they will be deprived of the only means of saving themselves from ruin. They moreover point to many circumstances indicating that the French value the Newfoundland fishery chiefly as a means of supplying trained seamen to their navy; they say that its indefinite extension on the ruin of the British industry, as increasing the aggressive strength of France, will demand a proportionate growth of British armaments, and they doubt, therefore, when this is realized in England whether Parliament will sanction a policy which, while destroying the prosperity of a British Colony, will at the same time affect seriously the interests of British taxpayers.

16. The Legislature before its prorogation passed a Law (without, I believe, a dissentient voice) which, if it can be practically enforced, might be made to preclude all foreigners from obtaining bait on the coast of this island, with the exception of the French taking bait themselves on that portion of the coast where they have fishing rights.

17. I have, of course, reserved this Bill for the signification of her Majesty's pleasure, but I understand that energetic measures are likely to be taken with a view to move public opinion in England on the subject, and to obtain the assent of Her Majesty's Government.

18. I have above endeavoured to present to your Lordship as faithful a representation as is in my power of the views of the colonists on this important question, and I forbear to express with regard to them any opinion of my own beyond this: If the effect of the French bounties on the British fishery is correctly estimated, the prospect which this Colony has to face is indeed a serious one.

A large majority of the people are acquainted with no other means of obtaining a livelihood than fishing, and the occupations connected with it, and the process of directing them to, and training them in, agricultural and other industries would not only be very slow and very difficult, but would, before it had accomplished its end, be accompanied with an appalling amount of suffering and death.

19. I most sincerely trust, therefore, that if it be found inconsistent with Imperial interests to permit the proposed Bait Law to come into force, some other means may be found of inducing the French to give up bounties which, unlike the sugar bounties, in no way benefit British consumers, and are thus in every respect injurious to British interests.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 4 in No. 15.

Mr. Pennell to Sir R. Herbert.

Sir, *Government House, Newfoundland, May* 25, 1886.

IN my Report of the 12th instant I inclosed a copy of a Resolution which was to be considered at a meeting, to be held that day, of the Joint Committee of the two Houses of the Legislature on the Newfoundland Fisheries question.

That Resolution had for its object to bind the Committee to recommend the Legislature to accept the Fisheries Arrangement in the event of certain concessions being made by the French Government in relation to the bounties granted by them on fish exported to foreign countries, other than France or its dependencies, and on other points.

I have now the honour to report, for the information of Earl Granville, the result of that meeting, as well as of the subsequent proceedings which have taken place in reference to this matter since the above date.

The Resolution in question was, I am informed, not proceeded with, as the Committee came to the conclusion that it was beyond their functions to carry on communications with the Governor without the assent of the Legislature having been previously obtained to their entering into communication with his Excellency upon the subject.

This authority, therefore, they at once proceeded to obtain, and having done so, nine of their number waited upon his Excellency on the 13th instant, and, on behalf of themselves and two other members of the Committee who were unable to attend, pledged themselves to recommend the Arrangement for acceptance, if the French would agree to the terms shown in the accompanying paper headed, "Memorandum of Statement to be made by Chairman on behalf of Committee."

In reference to the paragraph in this Memorandum which states that "it shall be understood that under the Arrangement the French shall have the right to purchase bait at all such times as British subjects may now or hereafter legally take the same," I have to observe that it was pointed out to the Chairman of the Committee by the Governor, as well as by myself, that a clause to this effect would be virtually to supersede Clause XVII of the Arrangement, relating to bait, and would certainly not be assented to by the French, as the Newfoundland Legislature would have the power to stop the supply of bait at any time by prohibiting British subjects from taking it. In consequence of the representations which we made to the Chairman on this point, the members of the Committee who had previously waited on the Governor have consented to withdraw this condition, which will not be insisted upon, as appears from the inclosed note from the Chairman, Mr. Harvey.

In consequence of the rumour which had obtained circulation here from French merchants who had recently arrived from France *en route* to St. Pierre, to the effect that the French Government did not intend to continue the bounties after 1891, the Governor and myself had entertained hopes that it might have been possible to obtain an assurance to this effect from the French Government, previous to the termination of the present Session of the Legislature here, and in that case that the Arrangement might have been brought into effect at once; but on the 13th instant the French Consul informed me that his Government was of opinion that even in case of the acceptance of the Arrangement, they would not in any way alter the existing rule with regard to the bounty on fish.

In consequence of this information, and as prolonged negotiations with France might probably become necessary, it was manifestly impossible to make any further progress with the Arrangement during the Session of the Legislature.

The Governor accordingly prorogued the Session on the 19th instant, an arrangement having been made that the Committee should continue to sit during the recess. A vote adverse to the Arrangement has thus for the present been avoided.

As the object of my mission is now so far concluded, I propose to return to England by the mail-steamer leaving St. John's on the 26th instant.

I inclose an extract from a local newspaper which gives further information respecting the prevailing feeling in this country with regard to the Fisheries Arrangement.*

I am, &c.

(Signed) E. B. PENNELL.

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* Not printed.

Inclosure 5 in No. 15.

Memorandum of Statement to be made by Chairman on behalf of Committee.

FRENCH to undertake to abrogate all bounties, direct or indirect, on fish after July 1891 (on fish exported to other than French possessions).

A clear and satisfactory definition of the term "interrupt in any manner" (see Article VIII), so as to prevent our fishermen being interfered with in any manner on the French Shore unless there is an actual or *bonâ fide* obstruction to French fishermen.

In cases when British fishermen are summoned on board French men-of-war they shall be allowed to make a statement in their own language of the circumstances being inquired into, which statement shall be appended to the French statement of the case.

It shall be understood that under the Arrangement the French shall have the right to purchase bait at all such times as British subjects may now or hereafter legally take the same.

It is hoped that, should the French not accede to these proposals, any Act passed by the Legislature of this Colony for the protection of bait fishes, and regulation of the traffic therein, will be ratified by the British Government.

Eleven Members assenting,
A. W. H.

Inclosure 6 in No. 15.

Mr. Harvey to Governor Sir G. Des Vœux.

Dear Sir William, *May* 25, 1886.

SOME time since a number of the members of the French Shore Committee waited on your Excellency and stated their views as to the desirability of accepting the Arrangement provided some additions were made thereto.

You subsequently desired me to state to the Committee that, in your view, the stipulation with regard to furnishing bait at such times as English fishermen were allowed to take it would cause immense difficulty.

At a subsequent meeting of the Committee I made known to them the objection to the clause, and it was agreed, by most of those who had been present at Government House, and some others, that that stipulation should not be insisted on.

No doubt all who had been at Government House would have assented had they been at the meeting of the Committee.

I have, &c.
(Signed) A. W. HARVEY.

Inclosure 7 in No. 15.

Memorandum given to Mr. Pennell by Mr. Harvey, May 25, 1886.

IN 1883 Labrador fish sold in Europe for 20*s.*; 1884, for 18*s.*; 1885, for 15*s.*; 1886, probably 12*s.*; at present purchasable in West of England, 8*s.* to 9*s.* In 1883 early Bank fish at St. Pierre was sold at 28 fr. In 1886, 9 to 10 fr.

The bounty was the same in 1883 as in 1886, and would have been in 1883 equivalent to about one-third the value, in 1886 quite as much as the whole value of the fish.

No. 16.

Colonial Office to Foreign Office.—(Received July 7.)

Sir, *Downing Street, July* 6, 1886.

WITH reference to my letter of this day's date on matters relating to the Newfoundland Fishery question, I am directed by Earl Granville to submit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor of Newfoundland, inclosing

copy of "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," together with a copy of a further despatch inclosing the Attorney-General's Report on the Bill, with a Petition from both Houses of the Legislature praying that the Bill may not be disallowed.

As the Governor has reserved the Bill, and the operation of it is in any case by clause 8 postponed until the 31st day of December next, no immediate decision is required upon it, and time will be afforded to see whether any arrangement can be come to with the United States' Government as well as with that of France on the fisheries questions.

Lord Granville, however, is inclined to think that the colonists make out a strong case for the allowance of the Bill.

It has hitherto for many years past been the policy of Her Majesty's Government to resist any attempt on the part of the colonists of Newfoundland to interfere with the sale of bait to the French, as the French Government, as Lord Rosebery is aware, attach the greatest importance to their fishermen being able to obtain bait on the south coast of the island for the prosecution of the Bank fisheries, and they would, no doubt, regard as a very hostile act any interference with what has been the practice for years.

The late Duke of Newcastle, when Secretary of State for the Colonies in 1863, informed the Governor, in a despatch dated 3rd August in that year, that "no Act could be allowed which prohibits expressly or is calculated by any circuitous method to prevent the sale of bait;" and recently, when it was known that the Fishery Arrangement of 1885 was being unfavourably received in the Colony, Lord Granville stated in a telegram to the Governor that "Her Majesty's Government could not consent to any measure restricting sale of bait to the French." This message was read to the Committee of the Legislature who were considering the Fishery Arrangement, when Mr. Pennell, of this Department, recently met them in St. John's, but it is in Lord Granville's opinion a question requiring consideration whether, now that the French Government are threatening to carry out the Treaties according to their own extreme views, this position of Her Majesty's Government may not be changed and the prohibition of the sale of bait be permitted, unless the French Government are prepared to abolish or to substantially reduce the bounties.

Before, however, coming to any conclusion on this matter, Lord Rosebery will probably think it desirable to await the arrival of the Delegate expected from Newfoundland, and the discussion of the whole question proposed in the letter from this Department already referred to.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 16.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May* 26, 1886.

I HAVE the honour to forward to you copies of a Bill which has passed the Legislature of this Colony, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

I have not felt justified in giving assent to this Bill, and have therefore reserved it for the signification of Her Majesty's pleasure.

I have not yet received the Report of the Attorney-General on this Bill, but hope to be able to send it by the next mail. I reserve until then any observations which I may feel it necessary to make on the measure.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 16.

[Passed the House of Assembly, May 18, 1886.
[Passed the Legislative Council, May 18, 1886.
J. W. DICKENS, *pro Sec.*

An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes.

Section.
1. No person shall take bait fishes for exportation without obtaining a special licence from the Receiver-General.
2. Licence to be issued by authority of Governor in Council and countersigned by Colonial Secretary.
3. Penalty for forging or counterfeiting the signature of the Receiver-General to licence provided in fourth section.
4. Penalty for violation of the provisions of this Act for a first offence 400 dollars, and for subsequent offences to imprisonment for twelve months.
5. Offences against this Act may be prosecuted in a summary manner before a Stipendiary Magistrate.
6. Persons convicted may appeal to the Supreme Court.
7. Treaty rights of nations in amity with Her Majesty not affected by this Act.
8. Operation of this Act postponed until the 31st December, 1886.

Preamble.

WHEREAS in the interest of the fisheries of this Colony, and for the preservation of the bait necessary for the pursuit of these fisheries, it is necessary to regulate the exportation and sale of such bait.

Enacting clause.

Be it therefore enacted by the Governor, the Legislative Council and Assembly, in Legislative Session convened, as follows:—

No person shall take bait fishes for exportation without obtaining a special licence from the Receiver-General.

1. No person shall haul, catch, or take any herring, capelin, squid, or other bait fishes for exportation or sale on or near any parts of the coast of this Colony or of its dependencies, or in any of the bays, harbours, or other places therein, without a special licence, in writing, obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted; and any person found hauling, catching, or taking the said fishes within the said limits may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether the herring, capelin, squid, or other bait fishes are intended for exportation or sale, and on refusing to answer or answering untruly, or failing to produce a licence as above mentioned, such Justice, officer of Customs, Fishery Warden, or person commissioned as aforesaid, may seize the vessel of such person, her tackle, apparel, furniture, and outfit, and bring the same to the nearest port or place at which a Stipendiary Magistrate resides, and the person so refusing to answer, answering untruly, or failing to produce the said licence, shall be deemed guilty of an offence against this Act, and on conviction shall be subject to the provisions of the fourth section thereof.

Licence to be issued by authority of Governor in Council, and countersigned by Colonial Secretary.

2. The licences provided for in the preceding section shall be issued under the authority of the Governor in Council, and shall be countersigned by the Colonial Secretary.

Penalty for forging or counterfeiting the signature of Receiver-General to licence provided in fourth section.

3. If any person shall forge or counterfeit, or procure to be forged or counterfeited, the signature of the Receiver-General to any such licence as mentioned in the next preceding section, or shall tender or offer in response to inquiries made under the provisions of the first section, or in evidence in any prosecution under this Act, any such licence knowing the signature thereto to be false or counterfeit, such person shall be deemed guilty of an offence against this Act, and on conviction shall be subject to the provisions of the fourth section thereof.

Penalty for violation of the provisions of this Act for a first offence 400 dollars, and for subsequent offences to imprisonment for twelve months.

4. Every person guilty of a violation of the provisions of this Act shall, for the first offence, be liable to a fine not exceeding 400 dollars, and in default of payment of any such penalty, to imprisonment for a period not exceeding six months; and for the second or any subsequent offence to imprisonment for a period not exceeding twelve months.

Offences against this Act may be prosecuted in a summary manner before a Stipendiary Magistrate.

5. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines incurred under the provisions of this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same; one half of such fine shall go to the party who may prosecute the offender, and the remainder to the Receiver-General for the use of the Colony; and in the event of the prosecution of an offender who under this Act would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate

of the Magistrate who heard the cause, be paid to the prosecutor by the Receiver-General.

rsons convicted y appeal to the preme Court.

6. If any person convicted under this Act shall feel himself aggrieved by any such conviction, he may appeal thereupon to the then next sitting of Her Majesty's Supreme Court, holden in or nearest to the place where such conviction shall have been had; Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate in writing within two days next after such conviction, and the party desiring to appeal shall also, within two days after such notice given, enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party on the first day of such next sitting of the Supreme Court, to the Sheriff of the district in which such appeal shall be heard.

ty rights of ons in amity with Majesty not ted by this Act.

7. Nothing in this chapter shall effect the rights and privileges granted by Treaty to the subjects of any State or Power in amity with Her Majesty.

ration of this Act pponed until the December, 1886.

8. This Act shall not come into operation until the 31st day of December next.

SCHEDULE.

Form of Licence mentioned in the First Section.

dule.

According to the provisions of the Act passed in the forty-ninth year of the reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," permission is hereby given to A.B., of , &c., to haul, catch, and take herring, capelin, squid, and other bait fishes in his boat or vessel, called the , during the("current" or "now coming," as the case may be) fishing season, for the purpose of ("exportation" or (and) "sale," or as the case may be).

Dated at St. John's, this day of A.D. 188 .

(Signed) C. D., *Receiver-General.*

(Countersigned) E. F., *Colonial Secretary.*

Inclosure 3 in No. 16.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, June* 19, 1886.

REFERRING to my despatch of the 26th May last, with which was inclosed a Bill recently passed by the Legislature of this Colony, and reserved by me for the signification of Her Majesty's pleasure thereon, "for regulating the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," I have now the honour to forward two important papers on the subject of this Bill, which, by some omission, have only just reached me:—

(1.) The Report of the Attorney-General on the Bill.

(2.) A Petition addressed to your Lordship by both Houses of the Legislature praying that the Bill may not be disallowed.

2. The important subject dealt with in these papers has been so fully discussed by me in other despatches that further comment would seem to be supererogatory.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 4 in No. 16.

Mr. Winter to Governor Sir G. Des Vœux.

Attorney-General's Office, St. John's, Newfoundland,
Sir, *June* 19, 1886.

I HAVE the honour to submit the following Report upon the Bill passed during the recent Session of the Legislature, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

The object of the measure and the reasons which led to its adoption do not call for extended explanations from me.

The introduction of the Bill was the result of the deliberations of a Joint Select Committee of both branches of the Legislature, appointed to consider and report upon the subject of the sale of bait by our people to foreign fishermen whose fishing operations necessitate the procuring of bait in our waters.

The Report of the Committee sets forth very fully the great injury to the people of this Colony, whose staple industry is the fishery, and particularly the cod fishery, resulting from competition in foreign markets with the fishermen of other nations, and especially under the operation of bounties and protective duties.

The substance of the Report of the Committee has been set forth, in almost identical language, in the joint Address from both branches of the Legislature to the Right Honourable the Secretary of State for the Colonies, in relation to this subject, which your Excellency has been requested to transmit.

The operative part of the Bill is contained in one simple provision which prohibits altogether the capture in our waters of bait fishes, for exportation or sale, except under special licence, issued by the Receiver-General (the Head of the Customs Department), under the authority of the Governor in Council.

The Bill contains in itself no provision for the guidance of the Governor in Council in relation to the exercise of the discretion vested in him for the issue of the licence. This is left to depend upon matters and circumstances some of which are at present undetermined, and which may from time to time be the subject of change.

In view of the fact that the relations between Great Britain and other nations, severally, on the subject of fishing privileges on the coasts of Newfoundland are widely different, and are also from time to time the subject of negotiation and alteration, it was considered by the Legislature necessary that the measure should be in such a form as to admit of the application on the one hand, or the withholding on the other, in the case of each particular foreign nation, of the restrictions contemplated by the Bill.

This discretionary power may thus be exercised by the Governor in Council in relation to any one foreign country or Power without affecting the rights, privileges, or relations towards Great Britain of any other country or Power.

I have, &c.
(Signed) J. S. WINTER.

Inclosure 5 in No. 16.

Petition.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

May it please your Lordship,

WE, Her Majesty's loyal subjects, the Legislative Council and Commons House of Assembly of Newfoundland, in Legislative Session convened, beg to inform your Lordship that we have during the present Session devoted much time and attention to the consideration of the capture and sale of bait, and beg to submit, for your Lordship's consideration, the facts and conclusions hereinafter set forth.

We find that, from the earliest records extant relating to fisheries of Newfoundland, the immense importance of the bait supply has been appreciated by the Imperial and Local Governments. As far back as the year after the Treaty and Declaration of Versailles, in 1783 (*i.e.*, in the twenty-sixth year of the reign of His Gracious Majesty King George the IIIrd), an Act was passed by the Parliament of England absolutely prohibiting, under penalties, any English subjects in Newfoundland from selling any bait whatsoever to foreigners. This Act remained in force for some years, and immediately after the concession of a local Legislative Assembly to this Colony the subject of bait supply

to foreigners was again agitated, and in 1836 an Act was passed by the Colonial Legislature imposing an export duty of 3*s.* a hundredweight upon "all fresh herring and capelin, and upon salted or pickled herring and capelin in bulk," exported from this Colony; and by a subsequent enactment (12 Vict., cap. 7) the restriction was repealed so far as affected the exportation of herrings (whether fresh, salted, or pickled) in bulk to any part of the British dominions, the masters of the vessels in such cases being required to give bond for the payment of the amount of duties, which bond was only to be cancelled upon the production within one year of the date thereof of a certificate from competent authority that the cargo had been duly entered and discharged at a port within the British dominions. This enactment remained in force until the participation of the subjects of the United States in our fisheries under the Reciprocity Treaty of 1854 necessitated its repeal. The extreme pressure exercised by the British on the Colonial Government from the expiry of the Reciprocity Treaty of 1854 down to the time of the Treaty of Washington alone prevented the passage of an Act in the Colony prohibiting the sale and export of bait from the Colony for any purpose whatsoever. The very stringent clauses of the Treaty of 1818, preventing American fishermen from resorting to our bays or harbours, "except for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever," while allowing American vessels engaged in other pursuits the free use of our ports for all other purposes, plainly indicate the conclusion that it was then considered necessary to exclude the United States' fishermen from any access to our bait supply.

Whether the supply of bait fishes has decreased or is decreasing from their present extensive employment we have not sufficient data before us to positively decide, but it is the opinion of many of the oldest and most experienced persons engaged in our trade and fisheries that such is the case. We are of opinion that the demand now made upon the supply is quite as great as it can bear: and this is evidenced by the fact that the promising industry essayed here a few years ago of the manufacture of guano from these fishes was crushed out of existence by an Act of the Legislature prohibiting their capture for that purpose.

The value of these fishes to the Colony, always highly appreciated, has of late years been greatly enhanced by the revival of the Bank fishery, for whereas bait is only one of several means employed in the shore and Labrador fisheries for the taking of codfish (the jigger and the cod-seine and the cod-trap probably secure a much larger proportion of the total catch in these fisheries than that taken by bait), the sole dependence of the Bank fishery is on this article. The revival of the Bank fishery, therefore, renders it more than ever necessary that bait fishes should be zealously guarded.

The vast superiority of fresh over salted bait for use on the Banks has been satisfactorily established, and the testimony of United States' and Canadian fishermen taken before the Halifax Fishery Convention of 1877 leaves no other conclusion admissible. The advantages offered by our coasts, where alone these three bait fishes, the herring, capelin, and squid, can be obtained in sufficient quantity, in respect to bait supply to those prosecuting the fishery on the Banks and in the deep waters in the vicinity of our island, are attested by the fact that the stipulation in the Washington Treaty most valued by the Americans was the privilege of taking bait.

At present there does not appear to be any Law on our Statute Book sufficiently safeguarding these valuable bait fisheries. The recent action of the French banking fleet in coming into the harbours of our south-west coast, where they have no fishery privileges, and evading the effect of our Laws heretofore found sufficient to prevent the exportation of bait before the 18th day of April, shows that, so far as that nation is concerned, we have no means at present of limiting or restricting the supply to them. Our other rivals, the United States, stand on a different footing. The Convention of 1818 forbids them entering our ports for the purpose of obtaining bait, and the Imperial Act 59 Geo. III, cap. 38, makes it unlawful under severe penalties for them to do so, but up to the present moment the means of strictly enforcing the observance of that Treaty and punishing the violation of the Statute referred to have not been provided, and American fishermen declared their intention of violating the Treaty by obtaining bait in our ports.

To arrive at a just conclusion on this matter, it is necessary to examine the relations in which the two nations desirous of obtaining this bait supply on our shores stand to this Colony.

The French fishery in relation to ours has undergone considerable change in recent years, seriously operating to our disadvantage. In the first place, on fish exported from St. Pierre to countries outside France, that is to say, to markets where it competes with ours, an average bounty of 10 fr. per quintal (112 lbs. English) is at present paid by the French Government. Formerly, this did not conflict with our interests, as the French

bankers were equipped in France, and brought most of their produce back to France to be consumed there, leaving only a small portion for exportation from St. Pierre to the French West Indies. Consequently, Newfoundland rarely, if ever, found France a competitor in those markets to which we exported our fish.

Now, however, St. Pierre has become an extensive port of trade and of export for traders from other countries, and there is a large fleet of French bankers, and also a fleet sailing under the French flag, managed by French agents at St. Pierre, and owned to some extent by English and American subjects, employed in catching fish to compete with us in all the European markets. This increasing fleet of Bank fishers has an enormous advantage over our fishermen from the fact that, in addition to the bounty before referred to, they obtain food and goods of all kinds necessary for the fishery at St. Pierre almost free of duty. While our fishermen are thus handicapped in the catching of fish, this fleet of bankers from St. Pierre obtain their supply of bait from our waters. The fish thus taken is landed at St. Pierre, and on its export receives from the French Government a bounty equivalent to about 10 fr. for every 112 lbs. (English), 8 fr. directly and about 2 fr. indirectly. The average price of Labrador fish, which is more especially competed with by French Bank fish, did not exceed in this Colony during the past season 11 fr. for every 112 lbs. (English). It will thus be seen that the bounty as above, and differential duty on St. Pierre fish entering Spain under the "most-favoured-nation clause" in their Tariff amount to 12½ fr. on every 112 lbs. (English), or, in other words, to more than the whole value obtained by our fishermen for Labrador fish.

The United States' fishermen have, since the year succeeding the signing of the Treaty of Washington, been allowed to obtain bait unrestrictedly in our harbours and bays, the stipulation that they had the right to catch bait for themselves within the 3-mile limit naturally carrying with it the corollary that what they had the right to take they had the right to buy, and the latter course was found by them to be the more profitable. For this privilege, for it was by far the principal one they exercised under the Washington Treaty, they paid a considerable sum of money, as well as admitted our fish duty free, and accorded to us the privilege of fishing on all the north-eastern coasts and harbours of the United States. They have now abrogated the Treaty of Washington, taken from us the privilege of fishing in their waters, and taxed our fish and oil when exported to the United States from 12 to 30 per cent., and yet assume to exercise as of right the privilege of obtaining bait as heretofore, when they gave us a fair return for that privilege. If we supinely assent to this course we shall provide these, our rivals, with the means of shutting us entirely out of the United States' markets.

We have been informed that, unless the Legislature assent to the Arrangement recently entered into between Great Britain and France regarding the French claims on a part of the coasts of this island, any Acts prohibiting or regulating the export of bait fishes will be disallowed by the parent Government.

We are unwilling to believe that such an extreme course would be adopted by the mother country, for no better reason than that a nation, supposed to be a friendly one, demands a concession from this Colony which, if granted under the present system of French bounties, means starvation to our fishermen, ruin to our mercantile and industrial classes, and bankruptcy to the Colonial Exchequer. The result that would ensue to Great Britain by thus sacrificing 200,000 British subjects in this most ancient and loyal Colony by a course of coercion, exercised towards a people to whom self-government has long been accorded, a course, too, the principle of which has been most emphatically repudiated by all political parties in England, and by her most eminent statesmen, would be to unduly increase the navy of a rival Power, necessarily involving a corresponding addition to the British navy, and increased taxation to the British taxpayer.

In conclusion, we earnestly hope that Her Majesty will be pleased to assent to the Bill passed during the present Session of the Legislature, entitled, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

Passed the House of Assembly, May 18, 1886.

(Signed) ALEXR. J. W. McNEILY, *Speaker.*

Passed the Legislative Council, May 18, 1886.

(Signed) E. D. SHEA, *President.*

No. 17.

The Earl of Rosebery to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 24, 1886.

HER Majesty's Government have read with attention the note which your Excellency did me the honour to address to me on the 21st ultimo respecting the Newfoundland Fishery question, and in which you inform me that, in view of the attitude taken up by the Legislature of Newfoundland towards the Fishery Arrangement signed at Paris in November last, the Government of the Republic have felt themselves compelled to issue new instructions to their naval officers to secure to French fishermen the exercise of their Treaty rights. Under those instructions the French Commanders are enjoined:—

1. To seize and confiscate the gear belonging to "foreigners," resident or non-resident, fishing on that part of the Newfoundland coast stated by the French Government to be reserved to the French;

2. To protest against all building or working of mines on that part of the coast which they designate as "the French Shore," an appellation derived from the enjoyment by French citizens of certain fishery rights during the fishing season;

3. To disregard the jurisdiction of the local Magistrates on British territory; and

4. To modify the attitude of toleration recently observed by them in regard to the salmon fisheries, and to protect French citizens in the pursuit of the lobster fishery as well as in that of cod.

In describing the above measures, your Excellency states that the French Government are resolved to exercise in the fullest and most rigorous manner the rights conferred upon France by the Treaties.

I cannot conceal from your Excellency the concern with which Her Majesty's Government have received such a communication from your Government.

It is in no way the wish of Her Majesty's Government to contest the right of the French Government to demand that French fishermen shall be secured in the due exercise of their Treaty privileges. But they must emphatically protest against the interpretation of those privileges which is put forward in your Excellency's note under reply, and is implied in the measures to which that note refers.

They have repeatedly affirmed in the course of numerous negotiations that such claims are not supported by the Treaties concluded between the two countries, and it would be a matter of great regret if the instructions which have been sent out to the French naval officers to enforce these claims should lead to complications which the patience and moderation of both Governments, and the good sense and forbearance of their respective Naval Commanders on that coast, have succeeded in averting during a long period of years.

I have no desire to reopen the discussion on the numerous points in dispute, but I cannot refrain from deprecating more particularly the claim put forward by your Government to ignore during the fishing season the territorial jurisdiction flowing from the sovereign rights of the British Crown over the whole of the Island of Newfoundland, expressly conferred by the terms of the XIIIth Article of the Treaty of Utrecht; nor can I pass in silence the reiterated assertion in your note of an exclusive right of fishing on the part of the coast on which the French Treaty rights exist. There can be no doubt that the inhabitants of the coast must not "interrupt by their competition" the French fishermen, but Her Majesty's Government can hardly believe that the French Government could intend to apply to them the term "foreigners," or to question the right of the colonists to procure the means of subsistence by fishing on their own coast, so long as they do not interfere with the Treaty rights of the French fishermen. Such a claim has no precedent in history, and would be not only repugnant to reason, but opposed to the practice of years, and to the actual terms of the Declaration of Versailles, which provides that the old methods of fishery "shall not be deviated from by either party," showing conclusively that the French right to the fishery is not an exclusive one.

Her Majesty's Government accepted provisionally the recent Arrangement signed at Paris with satisfaction, as offering, on the whole, a reasonable compromise, but it is unnecessary to state that, during the whole of the negotiations, it was perfectly well understood that its ratification by Her Majesty's Government must be subject to its acceptance by the Legislature of Newfoundland. Her Majesty's Government are still in communication with the Colonial authorities, and have not abandoned the hope that the Arrangement may yet bear good fruit.

In the meanwhile, the two Governments have during the last two years practically carried it out so far as circumstances have permitted. It will be a matter for very serious

regret on the part of Her Majesty's Government if the French Government, ignoring that amicable arrangement, should now by any aggressive action unnecessarily provoke a recurrence of the grave difficulties of which both nations have had so long and regrettable an experience.

I have thought it well to lose no time in taking exception on the part of Her Majesty's Government to some of the positions taken up in your Excellency's note to which it would be impossible for them to assent. I have not, therefore, waited to include in this despatch the answer of Her Majesty's Government to the proposal of a *modus vivendi* made verbally by your Excellency to me on the 22nd ultimo. With that I will deal in a separate communication; but in the meantime I should be glad to learn that the new instructions to the French naval officers have been suspended, as they would offer a serious obstacle to the friendly conclusion of such an arrangement.

I have, &c.
(Signed) ROSEBERY.

No. 18.

Colonial Office to Foreign Office.—(*Received August* 14.)

Sir, *Downing Street, August* 13, 1886.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to state that he proposes, with the concurrence of the Earl of Iddesleigh, to approve the proceedings of Mr. Pennell during his recent visit to Newfoundland in connection with the proposed Fishery Arrangement with France.

I am, &c.
(Signed) R. H. MEADE.

No. 19.

Foreign Office to Colonial Offiae.

Sir, *Foreign Office, August* 20, 1886.

IN reply to your letter of the 13th instant, I am directed by the Earl of Iddesleigh to state to you that his Lordship concurs in Mr. Secretary Stanhope's proposal to approve the proceedings of Mr. Pennell during his recent visit to Newfoundland.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 20.

M. Waddington to the Earl of Iddesleigh.—(*Received August* 26.)

M. le Comte, *Londres, le* 25 *Août*, 1886.

LE Commandant de la Division Française de Terre-Neuve a signalé au Ministre de la Marine l'établissement à Port-à-Port, sur le "French Shore," de deux usines Anglaises pour la préparation des conserves de homards. Au reçu de cette nouvelle, ordre a été envoyé par le Gouvernement Français au Commandant Le Clerc d'arrêter la pêche des individus qui ont établi ces usines. Je suis en même temps chargé par M. de Freycinet de protester auprès de votre Excellence contre ces actes contraires aux Traités, émanant de sujets Anglais. Mon Gouvernement est persuadé que des instructions vont être envoyées aux autorités de la Grande-Bretagne à Terre-Neuve, pour que ces constructions illégales soient supprimées sans retard.

En agissant ainsi, le Gouvernement de la Reine ne fera que conformer sa conduite à celle que le Gouvernement Français a déjà adoptée vis-à-vis de ses nationaux dans des cas analogues. Deux Français, les Sieurs Lemoine et Dameron, ont procédé dernièrement, sur le "French Shore," à l'installation d'usines destinées à la préparation du homard. Ces établissements ayant le caractère de constructions solides et fixes, comme celles contre lesquelles j'ai la mission de porter plainte, les autorités navales Françaises ont signifié à leurs auteurs d'avoir à les enlever, ajoutant que s'ils n'obtempéraient pas à ces ordres, ils agiraient à leurs risques et périls.

Le Ministre de la Marine a complètement approuvé cette ligne de conduite et a recommandé tout dernièrement au Commandant Le Clerc d'y persévérer, en même temps qu'il se voyait obligé de lui enjoindre d'avoir à interdire la pêche aux deux sujets Anglais, établis à Port-à-Port, en contravention avec les Traités.

Le Gouvernement de la Reine pourra voir, par ce qui précède, avec quel esprit d'équité la France agit dans cette question ; aussi je ne doute pas que votre Excellence ne soit bientôt en mesure de m'annoncer qu'il a été fait droit à ma démarche.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, August* 25, 1886.

THE Commander of the French Division at Newfoundland has informed the Minister of Marine of the establishment at Port-à-Port, on the "French Shore," of two English factories for preserving lobsters. On the receipt of this news, orders were sent by the French Government to Commander Le Clerc to stop the fishery of the individuals who have established these factories. I am at the same time instructed by M. de Freycinet to protest against acts on the part of British subjects so contrary to the Treaties. My Government is persuaded that instructions will be sent to the British authorities in Newfoundland to suppress these illegal buildings without delay.

In so doing, Her Majesty's Government will only be conforming their conduct to that which the Government of the Republic have already adopted towards their citizens in similar cases. Two Frenchmen, MM. Lemoine and Dameron, lately commenced erecting lobster factories on the "French Shore." As these erections took the form of solid permanent buildings, such as I have now to complain of, the French naval authorities warned their constructors to remove them, adding that, if they did not obey these orders, they would be acting at their own risk and peril.

The Minister of Marine has entirely approved this line of conduct, and has quite lately instructed Commander Le Clerc to persevere in it, while feeling compelled at the same time to instruct him to forbid the two Englishmen established at Port-à-Port to fish in contravention of the Treaties.

Her Majesty's Government will see by the above in what an equitable spirit France is acting in this question ; and I doubt not that your Lordship will soon be in a position to inform me that my request has been complied with.

I have, &c.

(Signed) WADDINGTON.

No. 21.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September* 1, 1886.

I AM directed by the Earl of Iddesleigh to transmit to you herewith, to be laid before Mr. Secretary Stanhope, for such observations as he may desire to make thereupon, a copy of a note from the French Ambassador at this Court,* calling the attention of Her Majesty's Government to the reported establishment of two British lobster factories at Port-à-Port, in Newfoundland, and expressing the conviction of his Government that instructions will be dispatched to the authorities in Newfoundland to suppress these factories without delay.

I am, &c.

(Signed) T. V. LISTER.

No. 22.

Colonial Office to Foreign Office.—(Received September 2.)

Sir, *Downing Street, August* 31, 1886.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor of Newfoundland, with its inclosures, respecting the establishment by the French of a factory for "canning" lobsters at Port-au-Choix.

* No. 20.

It will be remembered that in the note which M. Waddington addressed to the Earl of Rosebery on the 21st June, it was stated that it was considered by the French Government to be incumbent upon them to give protection "à l'exploitation du homard." I am, however, to suggest, for the consideration of Lord Iddesleigh, that Her Majesty's Ambassador at Paris should be instructed to make a strong protest against this new industry being conducted on Newfoundland soil, as involving a clear breach of the Treaty stipulations, and to urge upon the French Government the removal, in accordance with those stipulations, of the French factories.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 22.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, August* 2, 1886.

I HAVE the honour to forward to you a copy of a Petition which has been addressed to me by the Chamber of Commerce of Newfoundland with reference to a factory for "canning" lobsters which has recently been established by the French at Port-au-Choix on the north-west coast of this island.

2. The existence of this factory has also been reported by the Commanders of Her Majesty's ships on the station in the letters from Captain Hamond, of Her Majesty's ship "Emerald," and Lieutenant-Commander (now Commander) Browne, of Her Majesty's ship "Mallard," copies of which are herewith inclosed.

3. It is, I presume, unnecessary for me to point out in detail that the establishment of this factory is in direct contravention of the Treaty of Utrecht; but I may mention briefly (1) that the land of that portion of the coast of this island on which the French have Treaty rights can, under that Treaty, be used by them only for the drying of fish; (2) that the fish contemplated by the Treaty are only such as are preserved by drying; and (3) that even if lobsters can be considered as fish, and fish of the description that can be caught upon the coast, within the meaning of the Treaty, the use of the land for preserving them, and the erection of any "buildings there besides stages made of boards, and huts necessary and usual for drying of fish," is expressly forbidden by the XIIIth Article of the Treaty.

4. With regard to the injury to British interests which will result from the establishment of French lobster factories in Newfoundland, I have no doubt that the representations of the Chamber of Commerce are substantially correct; and as the factory already established, if allowed to remain without interference, will almost certainly be followed by others, it is evidently in a high degree desirable that steps should be promptly taken for causing it to be removed.

5. A difficulty with regard to this course will probably occur to Her Majesty's Government from the fact that on various parts of the coast where the French have fishing rights there are, and have long existed, British establishments for the drying, curing, and storing of fish, which are, I believe, held by the French to be in contravention of the Treaty, there being thus a possibility that any action on the part of Her Majesty's Government for the removal of French lobster factories will be followed by similar action on the part of the French Government for the removal of British fishing establishments.

6. It may, however, I think, be regarded as extremely unlikely that the suggested step on the part of Her Majesty's Government would be followed by any such action on the part of the French; for I understand that while the British fishing "establishments" on the coast in question consist entirely of wooden sheds of comparatively little value, the French have their expensive stone buildings in several places, which are clearly in contravention of the Treaty, and their Government would, therefore, in all probability, refrain from a course which would result in more injury to themselves than to us.

7. If, however, the possibility of such an event should appear to Her Majesty's Government an insuperable objection, the only other remedy which suggests itself at the moment against what threatens to be a very serious injury to the Colony is the passing by the Colonial Legislature of a Law imposing an excise or export duty, which might be made to fall with prohibitive effect on these French factories. For I presume that our acknowledged dominion over the whole coast renders persons of all nations in theory subject to our laws, and that it would be completely justifiable to apply such laws in

practice even to French citizens on the portion of the coast where they have fishing rights, when they are following any other occupation than that of the drying of fish.

8. Since writing the above, it has been pointed out to me that there is already a local Act, 41st Vict., cap. 16, which might be made applicable to the present case, if such a course were to meet with the approval of Her Majesty's Government.

9. By this Law, section 1, the Governor in Council may, by Order, restrict or prohibit, either entirely or subject to any exceptions or regulations, the fishing for and taking of lobsters within any district in this Colony named in the Order, &c., a penalty not exceeding 100 dollars being the punishment provided for disobedience.

10. The application of this Act to the case in point would be by no means altogether foreign to its purpose, which was to prevent the complete extinction of lobsters by the factories, which experience had shown to be the result of their unrestricted operations. As the evil, which it was the object of this Act to guard against, is not likely to be less in the case of French than in the case of British factories, and as the distance of Port-au-Choix from the seat of Government would render effective supervision impossible except at disproportionate expense, it is open to question whether, in the interest of the population of the future (which as it grows may be expected to spread along the coast), it would not be expedient to prohibit this business altogether at the place in question, even if it were conducted by British subjects. And it is to be borne in mind that a French factory, employing exclusively French citizens, and exporting its products only in French vessels to markets from which British products of a similar kind are excluded by prohibitive duties, brings not the slightest compensating advantage to the Colony which it so seriously injures.

Earnestly recommending this subject to the early attention of Her Majesty's Government, I have, &c.

(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 22.

Petition.

To his Excellency Sir George William Des Vœux, K.C.M.G., Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency.

THE Chamber of Commerce having received authentic information to the effect that the French have recently established a lobster factory at Port-au-Choix, on the north-west coast of this island, desires to enter its protest against this fresh violation of the rights of this Colony.

It is needless for the Chamber to enter into an argument to prove the breach of Treaty stipulations involved in this establishment; but it desires to point out at the earliest possible moment the disastrous effects that will follow if it be not at once removed, and other ventures of a like character effectually prevented.

Each lobster factory requires from 10 to 20 miles of coast-line to furnish the necessary supply for canning.

The business of tinning lobster is a well-established and profitable industry, and it is understood that there is a considerable duty in France on foreign packed lobsters. These inducements to cover the whole of that coast with factories, if allowed to do so, will be too strong to be resisted by the French.

The Chamber would point out that this would entail the presence of French people on every part of the coast where they prosecute the cod fishery, and would effectually bar our fishermen from the use of any part thereof, as whenever a French fisherman is present, under the interpretation desired to be placed on the wording of the Treaty, and signifies to the naval authorities that he is being interfered with by an English fisherman, the latter must at once remove.

From the foregoing it is clear that the whole coast is likely to be lined with French lobster factories, if not at once disallowed by the British Government, and, as a consequence, the presence of British fishermen prohibited on the whole extent of coast from Cape Ray to Cape John.

Where the infringement of the Treaty is so glaring, the Chamber believes it has only to bring the subject to your Excellency's notice, that it may at once have the

desired effect of inducing Her Majesty's Government to cause the removal of the factory already established, and to prevent the inception of others.

On behalf of the Chamber of Commerce, we have, &c.

(Signed) A. W. HARVEY, *President of the Chamber of Commerce.*
J. GOODFELLOW, *Secretary.*

St. John's, Newfoundland, July 28, 1886.

Inclosure 3 in No. 22.

Captain Hamond to Governor Sir G. Des Vœux.

Your Excellency, "*Emerald*," *at Forteau, Labrador, July* 11, 1886.

I HAVE the honour to forward, for your information, a copy of a Report made to me by Lieutenant-Commander Browne, Her Majesty's ship "Mallard," relative to the establishment of a French lobster tinning factory lately set up at Port-au-Choix.

As the erection of a substantial building by the French appears to me in direct contravention of the Treaty of Utrecht, and as I am instructed to abstain from dealing with cases which involve questions of Treaty rights, I forward this Report for the information of Her Majesty's and of the Colonial Governments.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 22.

Lieutenant-Commander Browne to Captain Hamond.

Sir, "*Mallard*," *at Port-au-Choix, June* 26, 1886.

I HAVE the honour to report, with reference to the Treaty rights of the French to establish a lobster factory on shore at Port-au-Choix, that on my arrival on the 22nd I found a lobster factory being worked by a Captain Dameron, a Frenchman.

The factory employs fifty-five Frenchmen and one Newfoundland man, and four women belonging to the place.

I heard that the factory had been stopped by the French man-of-war "Drac," but shortly after, on the French man-of-war schooner "Perle" arriving, they again commenced operations.

I informed the Manager that I would report to you the matter, and also that I considered such an establishment illegal, and warned him that he had better not incur any more expenses.

The factory is still being worked, and on the 25th the French brigantine "Jombola" arrived from Maramichi with a cargo of spars and lumber to complete the buildings.

The factory is substantially built and roofed with corrugated iron.

I did not consider it advisable to make any protest on the subject to the officer commanding the "Perle," as I knew I should be able personally in a few days to report the matter to you for adjudication.

I have, &c.
(Signed) W. L. H. BROWNE.

No. 23.

Admiral the Earl of Clanwilliam to Admiralty.—(*Received at the Foreign Office, September* 17.)

Sir, "*Bellerophon*," *at St. John's, Newfoundland, September* 1, 1886.

IN forwarding herewith, to be laid before the Lords Commissioners of the Admiralty, a Report from the Senior Officer on the Newfoundland Division, of the seizure of cod-traps by the Senior Officer of the French ships employed on the Newfoundland fisheries, I have the honour to request you will inform their Lordships that Captain Hamond has sent a formal protest (of which a copy is inclosed) against this action to the French

Commodore, and requested that the cod-traps may be restored and delivered up to one of Her Majesty's ships.

2. This seizure by the French naval officer, who, I understand, has landed the cod-traps at St. Pierre, cannot be justified by the Arrangement of April 1884, or that of November 1885, which superseded it, and has not yet been ratified by the Newfoundland Government, or by previous practice; but I can state with confidence that he has, in this instance, acted under special instructions from his own Government.

3. There has been no exchange of the orders issued for the guidance of the respective officers employed this season. Those given to Her Majesty's ships, with the exception of the substitution of the Agreement of 1885 for that of 1884, were similar to the orders given in 1885.

4. The fishing season will be over, and Her Majesty's ships withdrawn from Newfoundland before this matter can be considered between the respective Governments; but it is most desirable that a distinct understanding should be arrived at before the commencement of the season of 1887.

5. Article IX of the Agreement of 1885, which, under certain circumstances and conditions, and after warnings that, in the case reported in Sub-Inclosure No. 1, were only given on the day of seizure, appears to empower French Commanders to take fishing implements from offenders in order to place them on shore, or to give them up to the Commanders of Her Majesty's ships, but could never have been intended to warrant a seizure and removal involving the total loss of the property of British subjects.

6. The question whether the use of cod-traps shall be made illegal is under consideration of the Government of the Colony, but it is one of considerable difficulty, which will take a long time to settle, and there are a variety of interests involved.

I have, &c.
(Signed) CLANWILLIAM.

Inclosure 1 in No. 23.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, August* 25, 1886.

IN accordance with paragraph 14, p. 5, Senior Officer's Instructions, Newfoundland, I have the honour to report that it has come to my knowledge that in two cases the French Commodore has interfered with British subjects and their property, by seizing and retaining their cod-traps, and in both cases, the owners state, without giving them previous warning.

2. By Article 9, p. 26, of the new Arrangement of 1885 (which Arrangement has not been ratified by the Newfoundland Government), after due warning, this action might have been justifiable in the absence of any of Her Majesty's ships, but under existing circumstances, and with British cruizers so stationed as to be constantly accessible, it appears to me that these acts are illegal. I have not yet had an opportunity of sending a remonstrance on the subject to the French Senior Naval Officer.

3. I am of opinion that the cod-traps are a constant source of trouble between the French and ourselves, and that in many cases they do interfere with the French seine fishing. The French forbid their own fishermen to use them, but the using of them is legal according to the law of Newfoundland.

4. I inclose the sworn statement of John Pilgrim as to the facts of one case, and the Report of Commander Gibson, Her Majesty's ship "Lily," with regard to the other case.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 23.

Deposition.

Newfoundland District to wit:

THE evidence of John Pilgrim taken upon oath, and who saith:—

On the 6th July a steam-boat belonging to the French man-of-war "Clorinde" came up to White Cape with another boat in tow. The steam-launch came up to my house in White Cape Harbour, and asked me if I would take up my cod-trap in Herring

Cove. I said I would when I had had my dinner. The steam-launch then went out to the other boat and came back to the stage as I was getting into my boat and took me in tow. When I got to Herring Cove I found the trap was half-way in the pulling boat. The officer in charge of the boat said, if I wanted my trap I must come to the French man-of-war at Kirpon. I went on board the "Clorinde" that evening and saw the Commodore. He told me I would get the trap when the "Lily" arrived. About three days previously the captain of the "Lily" told my wife that if my trap interfered with the French I must take it up. I have not seen any French boats fishing at White Cape for four years, and there is no French room at Criquet. I have lost my summer's fishing in consequence.

(Signed) JOHN PILGRIM, his × mark.

Witness:
(Signed) HENRY DE C. WARD.

Sworn before me at St. Lunaire Bay, this 5th day of August, 1886.
(Signed) RICHARD A. HAMOND, *Captain and Senior Officer, J.P. for Newfoundland.*

Inclosure 3 in No. 23.

Commander Gibson to Captain Hamond.

Sir, "*Lily*," *at St. John's, August* 26, 1886.

I HAVE the honour to report that, during my last visit to Ha Ha Bay on the 27th July, a man named Parmiter stated to me that a boat from the French man-of-war (the "Clorinde") had taken away his cod-trap.

2. It appears that, previous to the trap being taken, an officer had given warning to some of the inhabitants of Ha Ha Bay to remove their traps, but owing to Parmiter living at the top of the bay he heard nothing about it, and on an officer visiting Ha Ha Bay a second time he found the trap down, and had it removed.

I have, &c.
(Signed) HERBERT W. S. GIBSON.

Inclosure 4 in No. 23.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, September* 1, 1886.

WITH reference to my letter of the 25th ultimo, I have the honour to forward herewith a duplicate of the letter I have addressed to the French Senior Officer protesting against his action in seizing cod-traps, the property of Newfoundland fishermen.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 5 in No. 23.

Captain Hamond to Captain Le Clerc.

Sir, "*Emerald*," *at St. John's, August* 31, 1886.

IT having been reported to me that you have seized and kept several cod-traps belonging to Newfoundland fishermen living on that part of the coast where the French have fishing rights, I regret that it is my duty to protest most strongly against your action in so doing.

During the fishing season of 1885 and of the present year, to avoid any difficulties, two English men-of-war have been instructed to constantly touch at the ports where the French fishing is carried on, and the Captains of these cruizers have been told to leave word on their departure from a port to let their next destination be known, so that, in case of any question arising, a French cruizer could put herself in communication with one of Her Majesty's cruizers. These orders have been carried out on our part.

I have the honour to request that you will cause these nets to be delivered to one of Her Majesty's ships, observing that the "Lily" and "Mallard" are both about to return to their former stations.

It is with much regret that I feel obliged to write this protest, but you will understand it is from a sense of duty, and that I trust it will not alter the pleasant relations that have existed hitherto between the naval officers of the two nationalities.

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 24.

Count d'Aubigny to the Earl of Iddesleigh.—(*Received September* 21.)

(A.)

M. le Comte, *Londres, le* 20 *Septembre*, 1886.

NOTRE Vice-Consul à Terre-Neuve vient d'informer le Gouvernement de la République que sept usines à homard seraient actuellement exploitées par des résidents Anglais sur le "French Shore."

Je suis chargé par M. de Freycinet de signaler ces nouveaux faits à Votre Seigneurie, auprès de laquelle M. Waddington a déjà protesté le 25 Août dernier contre des infractions analogues émanant des résidents Anglais sur ce territoire, aux droits qui sont conférés à la France par les Traités.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September* 20, 1886.

OUR Vice-Consul in Newfoundland has just informed the Government of the Republic that seven lobster factories are at this very moment being worked by English residents on the "French Shore."

I am instructed by M. de Freycinet to acquaint your Lordship with these new facts. M. Waddington has already protested, on the 25th August last, against similar infractions of the rights conferred on France by the Treaties on the part of British subjects residing in that territory.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 25.

Count d'Aubigny to the Earl of Iddesleigh.—(*Received September* 21.)

(B.)

M. le Comte, *Londres, le* 20 *Septembre*, 1886.

UN Décret du Gouvernement de Terre-Neuve en date du 9 Août dernier a suspendu la pêche du homard pendant trois années, à compter du 30 Septembre prochain, dans le Havre des Roches (Bonne Baie, "French Shore").

Je suis chargé d'annoncer à votre Excellence qu'en présence du droit de pêche que les Traités confèrent à la France dans la région de l'île à laquelle s'applique le Décret, droit qui ne peut évidemment être limité dans son exercice, il est impossible à mon Gouvernement de reconnaître aucune validité à la mesure prise par les autorités de Terre-Neuve.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September* 20, 1886.

A DECREE of the Newfoundland Government, dated the 9th August last, has prohibited lobster fishing for three years, from the 30th September next, in Rocky Harbour (Bonne Bay, "French Shore").

I am instructed to inform your Excellency that, in view of the fishery right conferred on France by the Treaties in the part of the island to which the Decree applies, a right which can evidently not be restricted in its exercise, it is impossible for my Government to recognize in any way the validity of the measure taken by the Newfoundland authorities.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 26.

Count d'Aubigny to the Earl of Iddesleigh.—(Received September 21.)

(C.)

M. le Comte, *Londres, le 20 Septembre*, 1886.

LE Commandant de notre station navale à Terre-Neuve, pour garantir aux pêcheurs Français l'exercice des droits dont la jouissance leur est assurée par les Traités, avait été contraint de confisquer les engins de pêche d'un certain nombre de résidents Anglais qui s'étaient refusés à se conformer aux injonctions de nos croiseurs.

Les Départements de la Marine et des Affaires Étrangères, désireux de fournir un nouveau témoignage des dispositions conciliantes qui les animent, et convaincus que la saisie des trappes des pêcheurs Anglais avaient suffisamment affirmé en principe l'exercice complet et rigoureux de nos droits, donnèrent au Commandant Le Clerc l'ordre de remettre les filets saisis au premier croiseur Anglais qu'il rencontrerait. Cet officier devait faire observer du reste qu'une semblable disposition ne pourrait plus s'appliquer désormais, dans le cas où nous nous trouverions de nouveau contraints d'user de rigueur vis-à-vis des pêcheurs Anglais.

Ces instructions lui étaient déjà parvenues, lorsque le Commandant de notre station navale de Terre-Neuve a fait savoir au Ministre de la Marine qu'il venait de recevoir du chef de la Station Anglaise une protestation contre la saisie des engins de pêche, dont la remise était en même temps réclamée. M. Le Clerc répondit immédiatement que son Gouvernement, mu par des considérations bienveillantes, venait de lui donner des ordres dans ce sens et qu'il priait en conséquence le Commandant Anglais de retirer sa demande par écrit. Cette satisfaction ayant été pleinement donnée, les engins furent remis.

En portant ces détails à la connaissance de Votre Seigneurie, mon Gouvernement me charge d'insister auprès d'Elle sur ce fait que nous avions déjà pris spontanément l'initiative de faire remettre aux pêcheurs Anglais, par l'intermédiaire de leurs croiseurs, les filets confisqués, et que des ordres précis avaient été envoyés dans ce sens au Commandant de notre station navale avant que la réclamation du chef de la division Anglaise se produisît.

Veuillez, &c.

(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, September 20*, 1886.

THE Commander of our naval station at Newfoundland, in order to guarantee to French fishermen the exercise of the rights the enjoyment of which is assured to them by the Treaties, was forced to confiscate the fishing implements of a certain number of British residents who had refused to obey the injunctions of our cruizers.

The Departments of Marine and Foreign Affairs, being desirous of giving further proof of the conciliatory spirit which animates them, and convinced that the seizure of the traps of the English fishermen had sufficiently affirmed in principle the complete and strict exercise of our rights, gave Commander Le Clerc orders to return the captured nets to the first English cruizer he should meet. This officer was at the same time to point out that such action cannot be hereafter repeated in cases where we may find ourselves again obliged to act rigorously towards British fishermen.

These instructions had already reached him when the Commander of our naval station at Newfoundland informed the Minister of Marine that he had just received from the Chief of the English Station a letter protesting against the seizure of the fishing implements, and at the same time demanding their return. M. Le Clerc immediately replied that his Government, actuated by kindly motives, had just instructed him to the same effect, and he therefore begged the British Commander to withdraw his written request. This satisfaction having been fully accorded, the nets were returned.

In bringing these details to your Lordship's notice, my Government instruct me to point out that we had already spontaneously taken the initiative in returning the confiscated nets to the British fishermen through their cruizers, and that precise orders to this effect had been sent to the Commander of our naval station before the demands of the Commander of the British squadron were formulated.

I have, &c.

(Signed) L. D'AUBIGNY.

No. 27.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September* 27, 1886.

WITH reference to my letter of the 1st instant, I am directed by the Earl of Iddesleigh to transmit to you herewith, to be laid before Mr. Secretary Stanhope, for any observations which he may have to make thereon, a copy of a note from the French Chargé d'Affaires at this Court calling the attention of Her Majesty's Government to the reported establishment by Newfoundland fishermen of seven lobster factories upon the so-called "French Shore."*

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 28.

Admiral the Earl of Clanwilliam to Admiralty.—(Received at the Foreign Office, October 3.)

St. John's, New Brunswick, September 14, 1886.

SUBMITTED for information and consideration, with reference to my letter of the 1st instant.

2. Until fishing with cod-traps is made illegal, their continued use will lead to serious difficulties between the French and English.

(Signed) CLANWILLIAM.

Inclosure 1 in No. 28.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald,*" *at Sydney, Cape Breton, September* 9, 1886.

I HAVE the honour to forward herewith a letter I have received from the French Senior Officer, and a duplicate of my reply thereto.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 28.

Captain Le Clerc to Captain Hamond.

Monsieur, *Sydney, le* 8 *Septembre,* 1886.

J'AI l'honneur de vous accuser réception de votre communication du 31 Août dernier, communication dans laquelle vous voulez bien me faire connaître que vous protestez de la façon la plus formelle contre la saisie et la retenue de filets que la "Clorinde" a dû, par mes ordres, opérer tant au Cap d'Oignon qu'à la Baie de Haha et aux Griguets.

Les motifs que vous voulez bien mettre en avant sont que les croiseurs Anglais ont toujours pris soin de visiter constamment les havres où pêchaient les Français, veillant à ce que leur pêche ne fut pas interrompue par les sujets de Sa Majesté Britannique, et ayant toujours soin de laisser connaître dans leur dernière relâche à quel endroit ils se rendaient, afin de pouvoir intervenir à un moment donné, et éviter ainsi aux croiseurs Français le soin de prendre aucune mesure de coercition vis-à-vis des pêcheurs de Terre-Neuve, qui exercent leur industrie à l'abri du pavillon Britannique. Je commence, avant tout, par rendre pleine et entière justice à la façon dont les croiseurs sous vos ordres se sont acquittés des délicates fonctions dont vous les aviez chargés. C'est un fait constant que le "Lily," entre autres, à la côte est, a toujours été en mouvement, et qu'il n'a cessé de visiter fréquemment les havres occupés par les pêcheurs Français, et qu'il a toujours pris le plus grand soin que nos pêcheurs ne fussent pas interrompus dans l'exercice de leur pêche.

Cependant, vers la fin de Juin, et dans les premiers jours de Juillet, je recevais les

* No. 24.

demandes les plus pressantes de la part des Capitaines Domalain et Houard, établis en pêche au Kirpon, me disant que malgré toute la vigilance des croiseurs Anglais, les goélettes nomades et quelques résidents ne cessaient d'infester les lieux de pêche avec leurs trappes, lesquelles leur font un tort considérable, et que les navires de guerre n'étaient pas plutôt partis que les trappes reparaissaient.

Je me suis alors rendu à la Baie du Sacre et au Kirpon, et avant de prendre aucune décision je me suis livré sur les lieux à une enquête, même auprès des sujets Britanniques.

Il est ressorti de la déclaration des résidents du Kirpon, de celle de Henry Sucker, par exemple, et de beaucoup d'autres pêcheurs, que non seulement les trappes Anglaises gênaient nos gens, mais encore que la pêche du Capitaine Domalain et celle du Capitaine Houard avaient été ruinée par leur présence.

Ces résidents me priaient, même, dans leur intérêt propre, de faire lever ces engins destructeurs, et me signalaient leur présence dans les baies avoisinantes.

J'ignorais entièrement où se trouvait le " Lily," et aucun des résidents ne me l'a dit, pas même ceux dont les trappes ont été saisies.

Sur ces entrefaites, la morue à la poursuite du capelan est arrivée en abondance, et il devenait urgent de permettre aux pêcheurs Français de pêcher et de tâcher ainsi de relever leur situation compromise.

En ce moment, nos seines débordaient sur la partie de côte comprise, d'une part, entre le Cap Bauld et la Baie du Nord des Griguets; de l'autre, entre le Cap Bauld et la Baie de Haha.

Le 6 Juillet, après m'être assuré par moi-même que les plaintes de mes nationaux étaient bien fondées, avoir envoyé mon canot à vapeur à l'entrée du Petit Kirpon voir si l'on n'apercevait pas le " Lily," j'ai détaché un officier prévenir les propriétaires des trappes qui se trouvaient placées à l'entrée de la Baie du Nord, aux environs de la Pointe de la Tempête et de la Pointe à Broize, que l'intention de nos seines étant de déborder auprès de l'endroit occupé par les trappes, je les priais de les lever, leur laissant vingt-quatre heures pour opérer cette levée.

Le lendemain, 6 Juillet, exactement vingt-quatre heures après, j'envoyai le canot-à-vapeur monté par un élève de première classe, muni d'ordres écrits dans lesquels je lui enjoignais expressément et formellement de ne rien faire si le " Lily " était en vue, mais bien de se rendre à bord de croiseur Anglais, et de requérir ses bons offices pour faire dégager les trappes Anglaises.

Comme tel n'était pas le cas, les trappes Anglaises au nombre de trois, situées sur l'emplacement où la seine de navire Français " Union " désirait déborder, ont éte levées par leurs propriétaires, sous cette restriction, que la trappe d'un nommé John Pilgrim, placée à environ 2,800 mètres des leurs, serait aussi levée.

Cette requête était juste. Pilgrim, qui est un homme retors et malin, savait très bien que s'il n'y a pas de pêcheurs Français établis au Cap Blanc même, nos seines du Kirpon vont pêcher à la Baie du Nord, où le poisson ne peut se rendre, arrêté qu'il est par le voisinage de sa trappe.

Dans ces conditions, ses propres compatriotes menaçant de ne pas lever leurs trappes si on ne lui faisait pas lever la sienne, j'ai dû, conformément aux ordres de mon Gouvernement, saisir un filet qu'il se refusait à lever. Ceci se passait le 7 Juillet. A la Baie de Haha, les seines du navire Français le " Sans Souci " ne pouvaient pas pêcher, et il n'y avait pas moins de onze trappes Anglaises. J'ai envoyé prévenir de les lever, en laissant six heures pour le faire. Nos nationaux, à l'exception de deux, ont levé leurs trappes. En dépit de toutes nos précautions oratoires, de toute notre patience, ils se sont positivement refusé à lever leurs filets.* Je les ai fait saisir.

Vous comprendrez, Monsieur, que la protection que les croiseurs Anglais cherchent avec la meilleure bonne foi du monde à donner à nos pêcheurs est totalement illusoire, car ils ne sont pas plutôt partis, leur fumée n'a pas plutôt disparu, que les engins destructeurs dont se servent vos nationaux sont remis en place.

C'est si vrai que l'an dernier le croiseur Anglais a dû lui-même confisquer les engins de Haha pour mettre un terme à cet état de choses.

D'après l'estimation des résidents Anglais eux-mêmes le tort fait aux pêcheurs du Kirpon par les trappes tant de Haha que des Griguets n'a pas cette année été moindre que 2,000 quintaux de morue, et cela sur une côte déjà dévastée et ruinée par leur présence.

En présence de ces faits, j'ai dû exécuter les ordres venus de Paris et cela, je l'ai fait avec toute la modération, d'esprit de tolérance, que depuis de longues années maintenant

* Quoique déjà prévenus plusieurs fois par le " Lily."—J. Le Clerc.

j'apporte à l'exercice de mes fonctions sur la côte de Terre-Neuve; et je suis convaincu qu'après un examen attentif de la question *vous* en resterez convaincu.

Quant à la partie de votre communication concernant la remise des engins à un des croiseurs de Sa Majesté Britannique, j'ai l'honneur de vous informer qu'il m'est inutile de la placer sous les yeux du Gouvernement Français, car j'ai reçu l'ordre de remettre les filets saisis à un des croiseurs placés sous vos ordres. En conséquence, j'ai expédié au "Drac" l'ordre de se rendre à Forteau et de donner les filets au "Lily," qui en connaît les propriétaires.

Je vous prierai de remarquer que votre communication datée de St.-Jean, 31 Août, ne m'est arrivée en mains que le Lundi, 6 Septembre, à 5 heures du soir, alors que j'étais déjà en communication avec mon Gouvernement au sujet de la destination à faire suivre aux filets à l'issue de la saison de pêche. C'est donc pour bien marquer son grand désir de conciliation que le Gouvernement Français, sans que j'ai eu à lui transmettre votre communication, m'a donné l'ordre de remettre les filets. Son intentiou n'a pas été de faire acte de saisie arbitraire sur la propriété des pêcheurs qui bénéficient de leur condition de sujets Britanniques pour ruiner les pêcheries que les Traités nous réservent, mais bien de garantir à nos nationaux le libre exercice d'un droit qui devient illusoire en présence de l'obstination des pêcheurs Anglais à éluder les ordres que leur donnent le croiseur de leur propre nation.

En terminant, Monsieur, je puis vous garantir qn'il ne tiendra pas à moi que les relations si cordiales qui ont toujours existé et existent entre les croiseurs de deux nations perichitent [*sic*] à Terre-Neuve. Elles reposent sur une estime mutuelle que ne saurait altérer la responsabilité des devoirs que chacun de nous a à accomplir en vertu des ordres de nos Gouvernements respectifs, et je ne saurais terminer sans constater ici, que sans la vigilance de nos croiseurs, sans leur impartialité, vos pêcheurs ne pourraient exercer un droit de pêche auquel la France attache le plus grand prix, et dont elle ne cessera de réclamer le libre exercice. Je regrette profondément que des nationaux de Terre-Neuve fassent échec à toute notre bonne volonté mutuelle par un mauvais vouloir continuel à se plier aux exigences des Traités et aussi par l'usage de filets destructeurs destinées non seulement à achever la ruine de la côte de Terre-Neuve, mais encore à mettre dans un danger constant les bonnes relations des deux nationalités.

Je suis, &c.

(Signé) J. LE CLERC.

(Translation.)

Sir, *Sydney, September* 8, 1886.

I HAVE the honour to acknowledge the receipt of your communication of the 31st August last, in which you are good enough to inform me that you protest in the most formal manner against the seizure and retention of nets which the "Clorinde" has effected by my orders at Cape d'Oignon, Haha Bay, and off the Griquets.

The reasons you adduce for this are that the British cruizers have always been careful to constantly visit the harbours where the French were fishing, protecting their fishery from interruption on the part of British subjects, and to make known at the spot last visited the place they were making for, so as to be able to intervene at any moment, and thus preclude the necessity of the French cruizers taking any coercive measures against the Newfoundland fishermen, who carry on their industry under the protection of the British flag. I will commence by rendering full and entire justice to the manner in which the cruizers under your orders have performed the delicate functions you have intrusted to them. It is a well-known fact that the "Lily," amongst others on the east coast, has been constantly moving about, has paid frequent visits to the harbours occupied by the French fishermen, and has always taken the greatest care that our fishermen should not be interrupted in the pursuit of their fishery.

Nevertheless, towards the end of June and in the first days of July I received most pressing appeals from Captains Domalain and Houard, engaged in fishery at Kirpon, telling me that, notwithstanding the vigilance of the British cruizers, the stray fishing-smacks and some of the residents continually infested the fishing grounds with their traps, which did them a great deal of harm, and that the men-of-war were no sooner gone than the traps reappeared.

I then went to the Baie du Sacre and to Kirpon, and before coming to any decision I instituted an inquiry, even amongst the British subjects.

It appeared from the declaration of the residents at Kirpon, such as Henry Sucker for example, and of many other fishermen, that not only did the British traps injure our people, but also that the fishery of Captain Domalain and that of Captain Houard had been ruined by their presence.

These residents even begged me in their own interests to have these destructive engines removed, and pointed out to me their presence in the neighbouring bays.

I was entirely ignorant of the whereabouts of the "Lily," and none of the residents told me, not even those whose traps were seized.

In the meanwhile, the cod were arriving in great numbers in the pursuit of capelin, and it became urgently necessary to allow the French fishermen to fish, and to try in this way to relieve their distressing situation.

At this moment our nets were laid down on that part of the coast lying on one side between Cape Bauld and the North Bay of the Griquets, on the other between Cape Bauld and Cape Haha.

On the 6th July, after having assured myself that the complaints of the French were well founded, and having sent my steam-launch to the entrance of Little Kirpon to see if the "Lily" was in sight, I sent an officer to inform the proprietors of the traps placed at the entrance of North Bay, near Point Tempest and Pointe à Broize, that, as we intended to lay down our nets near the spot occupied by the traps, I requested that they should remove them, granting them twenty-four hours to carry out this operation.

The next day, the 6th July, exactly twenty-four hours afterwards, I sent the steam-launch, commanded by a Midshipman of the First Class, furnished with written orders, in which I expressly and formally instructed him to do nothing if the "Lily" was in sight, but to go on board the British cruizer and request her assistance in removing the British traps.

As the "Lily" was not in sight, the British traps, three in number, situated on the spot where the nets of the French vessel "Union" were to be laid down, were raised by their owners on the condition that the trap belonging to one John Pilgrim, which lay about 2,800 metres from theirs, should also be raised.

This request was just. Pilgrim, a sharp, cunning fellow, knew well that, although there are no French fishermen established at the White Cape itself, our fishermen from Kirpon go to lay their nets in North Bay, where the fish cannot go, being stopped by the proximity of his trap.

In these circumstances, his own countrymen threatened that they would not raise their traps if he were not made to do the same, and I was obliged, in conformity with the orders of my Government, to seize a net which he refused to raise. This happened on the 7th July. At Haha Bay the nets of the French vessel "Sans-Souci" could not work, and there were at least eleven English traps there. I sent warning to have them raised, allowing six hours for the purpose. Our citizens, with two exceptions, raised their traps. In spite of all our patience and verbal warnings they positively refused to raise their nets.* I had them seized.

You will understand, Sir, that the protection which the British cruizers try with the best will in the world to accord to our fishermen is entirely illusory, for they are no sooner gone, their smoke has no sooner disappeared, than the destructive engines used by your countrymen are replaced.

So true is this, that last year the British cruizer had herself to confiscate the engines at Haha to put an end to this state of things.

By the estimates of the British residents themselves, the harm done to the Kirpon fishermen by the traps at Haha and Griquets has this year been not less than 2,000 quintals of cod, and that on a coast already devastated and ruined by their presence.

In view of these facts, I have had to carry out the orders which have reached me from Paris, and this I have done with the moderation and the tolerant spirit which I have for many years tried to apply to the exercise of my duties on the Newfoundland coast; and I feel certain that, after an attentive examination of the question, you yourself will be convinced of this.

With regard to that part of your communication which concerns the handing over of the engines to one of Her Britannic Majesty's cruizers, I have the honour to inform you that it is unnecessary for me to bring it to the notice of my Government, because I have received orders to put the captured nets on board one of the cruizers under your command. In consequence, I have sent orders to the "Drac" to go to Forteau and hand over the nets to the "Lily," to whom the owners are known.

I beg to point out that your communication, dated St. John's, the 31st August, only reached me on Monday, the 6th September, at 5 P.M., when I was already in

* Although they had already been several times warned by the "Lily."

communication with my Government on the subject of the destination to which the nets were to be sent at the end of the fishing season. It is, therefore, in order to show clearly their strong desire for conciliation that the French Government ordered me to return the nets, without my having transmitted to them your communication. It was not their intention to commit an act of arbitrary seizure on the property of fishermen who profit by their position as British subjects to destroy the fisheries which the Treaties reserve for our use, but to safeguard for our citizens the free exercise of a right which becomes illusory in view of the obstinacy with which British fishermen evade the orders given to them by the cruizers of their own nation.

In conclusion, Sir, I can assure you that it will not be my fault if the cordial relations which have always existed and still exist between the cruizers of the two nations should cease in Newfoundland. They rest on a mutual esteem, which cannot be affected by the responsibility imposed on us by the duties which each of us has to perform in accordance with the orders of our respective Governments; and I cannot conclude without stating here that, but for the vigilance of our cruizers, and their impartiality, our fishermen would not be able to exercise a right of fishing to which France attaches great value, and the free exercise of which she will never cease to claim. I deeply regret that natives of Newfoundland should frustrate all our mutual good-will by a constant unwillingness to comply with the exigencies of the Treaties, and also by the use of destructive nets, which will not only bring about the ruin of the Newfoundland coast, but also place in constant jeopardy the good relations existing between the two nationalities.

I am, &c.
(Signed) J. LE CLERC.

Inclosure 3 in No. 28.

Captain Hamond to Captain Le Clerc.

Sir, "*Emerald*," *at Sydney, Cape Breton, September* 9, 1886.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date. in reply to my letter of the 30th August, in which I protested against the seizure and retention of certain cod-traps.

2. In the first place, I thank you sincerely for your remarks on the way our cruizers carry out their duties, especially as regards the "Lily."

3. It is, I think, unnecessary for me to enter into further correspondence, as I shall forward your letter officially; at the same time assure you that I am convinced that, in executing the orders you received from your Government, you were guided by a sincere spirit of moderation.

4. As regards my letter of the 30th August, in which I request that these cod-traps may be handed over to one of Her Britannic Majesty's cruizers, in view of your statement that you have received instructions from your Government, in reply to your communication prior to the receipt of my letter of the 30th August, received by you on the 6th September, I beg to formally withdraw that request, it being now unnecessary.

5. In conclusion, Sir, I am very glad to have had this opportunity of meeting you, and I feel that, whatever may be the difference of the views of our respective Governments, that in carrying out our orders we shall be always able to do so without endangering the cordial relations that exist between us.

6. I have telegraphed orders to the "Lily" to proceed to Forteau and receive the nets from the "Drac."

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 29.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, October 18.)

(Extract.) *Government House, Newfoundland, September* 14, 1886.

REFERRING to my despatch of the 2nd August, 1886,* on the subject of the establishment of a lobster factory by the French at Port-au-Choix, on that part of the

* Inclosure 1 in No. 22.

coast of this island where the French have certain fishing rights, I have now the honour of forwarding to you an extract from a letter addressed by the Sub-Collector of Customs at Bay of Islands to the Receiver-General of this Colony, and brought to my notice by the latter, in which letter, you will observe, is reported an intention, on the part of the French, to establish next season another lobster factory at Harbour Island, one of the dependencies of this Colony; and the question is raised as to the liability of those establishing such a factory to be brought under the laws, and to be made subject to the duties, of this Colony.

2. You will also observe, further, that an intention is reported, on the part of the French, to establish factories of a similar kind at other places on the same coast.

3. I propose to refer the matter for the consideration of my Ministers, but have thought it right to lose no time in making you acquainted with this report, which, if correct, indicates a fixed intention on the part of the French to maintain a principle which appears to me to be manifestly at variance with their Treaty rights.

4. It is worthy of note that, simultaneously with these complaints on behalf of British interests as to violation of the Treaties by the French, formal complaints are also being made on behalf of French interests in respect of the lobster factories established by British subjects on the same coast, as in various ways constituting interruption to, and interference with, the French fishery. This matter has been brought to the notice of our naval authorities by the officer in command of the French squadron in these seas; and I received yesterday a formal protest on the same subject from M. Des Isles, who gives his address as the "Vice-Consulat de France à Saint-Jean de Terre-Neuve," and who, though not recognized as such, in fact discharges the duties of Vice-Consul.

5. Some of these British factories have been established for several years, and belong to colonists of Newfoundland, but two or three have been established lately by colonists of Novia Scotia and Prince Edward Island, and these return no adequate compensation to this Colony for the denudation of the coasts of lobsters and the alleged injury of the fisheries by their refuse—scarcely more, indeed, than if their owners were French subjects.

6. I question whether lobster factories everywhere do not do more injury than benefit to the Colony, except when placed under restrictions, which it would be difficult to enforce on a coast so sparsely populated as that in question; and as this view is very generally held here, it is not improbable that executive measures will be taken, purely in the interests of the Colony, for the suppression of the factories, which happen also to be complained of by the French—at least, those recently established.

7. I am inclined to think, however, that the best means of settling this particular question, pending a final settlement of the whole question of the fisheries, would be to close all the lobster factories belonging to both nations on the shore in question, either by international agreement, or (as suggested in my despatch above referred to) by executive action on the part of this Colony.

8. I shall convey to you the views of my Ministers as soon as I have had an opportunity of learning them.

Inclosure in No. 29.

The Sub-Collector, Bay of Islands, to the Receiver-General, Newfoundland.

(Extract.) *Bay of Islands, Newfoundland, August* 31, 1886.

IT is reported here that a Frenchman is about to establish a lobster factory (next spring) at Wood's Island (known as Harbour Island on the Chart).

I mention this so that the Government may be made aware, as I suppose it would be an infringement of the Treaty, and would lead to grievous annoyances, as no doubt they would protest against paying duties and lights in connection with that business. They would, of course, have vessels coming with all sorts of goods for trading and lobster-fishing purposes.

It is said the French Company are ready to erect lobster factories around the coast, and although in that event they would give a good deal of employment to our people (possibly), they would also create an additional complication in matters on what has been called the "French Shore."

The French cod fishery is falling off more and more every year, and before long we would not be very much troubled with them if we do not give them any additional hitch, for which they could give us nothing but prospective trouble.

I see that they had marked out Wood's Island for themselves in the late Arrangement. They never go there, nor resort to it for fishing purposes. There is not any fish caught there but herrings, but it is composed of highly cultivable land, and would support 1,000 people if cultivated; a portion of it is, and gives a rich yield.

No. 30.

Mr. Stanhope to Governor Sir G. des Vœux.

Sir, *Downing Street, October* 18, 1886.

I HAVE the honour to transmit to you herewith copies of the accompanying papers received through the Admiralty from the Commander-in-chief on the North American and West Indian Station, relating to the seizure of cod-traps belonging to British fishermen by the Senior Naval Officer of the French squad on on the Newfoundland coast.*

You will observe that Captain Hamond, of the "Emerald," in his letter to the Earl of Clanwilliam dated the 25th August last, gives his opinion that the cod-traps are a constant source of trouble between the French and British fishermen, and that in many cases they interfere with the French seine fishing. Lord Clanwilliam states that "the question whether the use of cod-traps shall be made illegal is under the consideration of the Government" of Newfoundland; and in his letter to the Secretary of the Admiralty of the 14th September his Lordship observes that "until fishing with cod-traps is made illegal their continued use will lead to serious difficulties between the French and English." The French Commodore, moreover, in his letter to Captain Hamond of the 8th September, states that British residents on the coast have begged him in their own interests to remove these traps.

In these circumstances, I should be glad to be informed whether your Government contemplate taking any steps for prohibiting the use of cod-traps, at any rate on that part of the coast of Newfoundland to which the French right of fishing extends.

As regards the action taken by the French naval officer in seizing the fishing-gear of British subjects, I have suggested to the Secretary of State for Foreign Affairs that the French Government should be informed that Her Majesty's Government cannot recognize any right on the part of French naval officers to take such action under existing Treaties.

I have, &c.

(Signed) EDWARD STANHOPE.

No. 31.

Count d'Aubigny to the Earl of Iddesleigh.—(Received October 21.)

M. le Comte, *Londres, le* 20 *Octobre*, 1886.

LE 25 Août dernier l'Ambassadeur signalait à Votre Seigneurie l'existence au "French Shore," à Terre-Neuve, d'usines Anglaises pour la préparation de conserves de homard, établies en contravention aux Traités entre nos deux pays, et M. Waddington demandait à Votre Seigneurie de vouloir bien agir sans délai pour mettre fin à l'exploitation de ces usines.

Moi-même, M. le Comte, j'avais l'honneur le 20 Septembre de renouveler auprès de Votre Seigneurie les représentations de mon Gouvernement.

De nouvelles transgressions de même nature s'étant encore produites sur le "French Shore," je suis chargé de protester de nouveau auprès de Votre Seigneurie contre un état de choses manifestement injuste, et qui menace de s'aggraver chaque jour.

Mon Gouvernement, placé dans des circonstances analogues, n'a pas hésité au mois d'Août dernier à obliger un sujet Français à cesser l'exploitation d'une usine préparant des conserves de homard; il a la confiance que le Gouvernement de Sa Majesté la Reine, en présence de notre attitude, se hâtera de son côté de rappeler ses nationaux au respect des Traités existants.

J'ai, &c.

(Signé) L. D'AUBIGNY.

* Nos. 23 and 28.

(Translation.)

My Lord, *London, October* 20, 1886.

ON the 25th August last, the Ambassador notified to Your Lordship the existence on the "French Shore" in Newfoundland of English lobster factories, established in contravention of the Treaties between our two countries, and M. Waddington requested Your Lordship to take action without delay to put a stop to the operations of these factories.

I had the honour, on the 20th September, to renew to Your Lordship the representations of my Government.

Fresh transgressions of the same character having occurred on the "French Shore," I am instructed to protest anew to Your Lordship against a state of things manifestly unjust, which threatens to become aggravated day by day.

My Government, under similar circumstances, did not hesitate in August last to compel a French citizen to suspend the operations of a factory for preserving lobsters; they trust that Her Majesty's Government, in view of our attitude, will hasten on their side to enjoin on British subjects a respect for existing Treaties.

I have, &c.

(Signed) L. D'AUBIGNY.

No. 32.

Colonial Office to Foreign Office.—(*Received October* 25.)

Sir, *Downing Street, October* 25, 1886.

I AM directed by Mr. Secretary Stanhope to acknowledge the receipt of your letter inclosing copy of a note from the French Chargé d'Affaires at this Court,* in which he gives notice, on behalf of his Government, that they cannot recognize the validity of a Decree stated to have been recently passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

The views of Mr. Stanhope on this matter are shown in the accompanying draft of a despatch which he proposes, with the concurrence of the Earl of Iddesleigh, to address to the Governor of Newfoundland.

Pending a reply from the Governor, Mr. Stanhope is of opinion that it will be sufficient to acknowledge the receipt of Count d'Aubigny's note, with an intimation that the Decree in question has not been received by Her Majesty's Government, but that the Governor of Newfoundland has been requested to furnish them with a copy of it.

I am, &c.

(Signed) JOHN BRAMSTON.

[For Inclosure in No. 32, see *post*, No. 34.]

No. 33.

The Earl of Iddesleigh to M. Waddington.

M. l'Ambassadeur, *Foreign Office, October* 28, 1886.

WITH reference to Count d'Aubigny's note of the 20th ultimo on the subject of a Decree passed by the Government of Newfoundland prohibiting lobster fishing in Bonne Bay for three years from the 30th ultimo, I have the honour to state to your Excellency that this Decree has not been received by Her Majesty's Government, but that the Governor of Newfoundland has been requested to send home a copy of the document.

I have, &c.

(Signed) IDDESLEIGH.

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* No. 25.

No. 34.

Mr. Stanhope to Governor Sir G. Des Vœux.

(Extract.) *Downing Street, October* 30, 1886.

I HAVE the honour to transmit to you a copy of a note received through the Foreign Office from the French Chargé d'Affaires at this Court,* in which he gives notice on behalf of his Government that they cannot recognize the validity of a Decree recently passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

I would be glad to be furnished with a copy of the Decree.

It would be advisable that any Decree or Order affecting the fisheries on the west and north-west coasts of Newfoundland should contain a clause reserving French rights under Treaty.

No. 35.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, November 15.)

(Extract.) *Government House, Newfoundland, October* 27, 1886.

I HAD the honour to inform you on Saturday last, by cable, that Sir A. Shea is about to proceed to England, having been appointed Commissioner on behalf of this Colony for the purpose of more fully impressing upon Her Majesty's Government the views of this Government with reference to the Bill for regulating the sale of bait-fishes lately reserved by me for the signification of Her Majesty's pleasure.

2. As I have already informed you on more than one occasion, my Government regard the sanction of the Bill referred to as of vital importance to the interests of this Colony, and they now appoint a Commissioner to represent them on this subject in order to signify emphatically the continuance of this feeling, and with a view to secure, as far as possible, against failure in their object by the supply of the fullest information on all points which may be material to the consideration of the question by Her Majesty's Government.

No. 36.

The Earl of Iddesleigh to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 24, 1886.

I HAVE had under my consideration, in communication with Her Majesty's Secretary of State for the Colonies, your Excellency's letter of the 25th August, and Count d'Aubigny's further letter of the 20th ultimo, calling the attention of Her Majesty's Government to the establishment of two British lobster factories at Port-à-Port in Newfoundland, and asking that instructions may be given to the authorities in that Colony to suppress these factories without delay.

Attention is at the same time called to the course taken by the French authorities in reference to certain lobster factories established by French citizens at Port-au-Choix.

With regard to the factories at Port-au-Choix, whilst acknowledging with satisfaction the action of the French Government in discountenancing those fixed constructions by French citizens as contrary to Treaty, I have to observe that, from a despatch recently received from the Governor of Newfoundland,† it would appear that a French citizen contemplates establishing a lobster factory next spring at Woods or Harbour Island, and that others may possibly be erected on the coast. I have therefore to express the hope that the French naval officers will make known to the persons concerned that such a course is not allowed by the Treaties, and must be discontinued.

In respect to the British factories at Port-à-Port, I would submit to your Excellency the following considerations:—

It was admitted by Commodore Devarenne in 1881, in conversation with Captain Kennedy, R.N., of Her Majesty's ship "Druid," that these factories, which appear to have

* No. 25. † No. 29.

been erected with the full assent of the French Consul, did not obstruct or in any way interfere with French fishery pursuits.

These factories were established some years ago, as, for instance, that of Port-à-Port and that of St. Barbe's Bay, which formed the subject of correspondence between the two Governments in 1881; and it must be remembered that the Arrangement provisionally signed at Paris in November 1885 stipulated that all existing settlements should be allowed to remain. Although that Arrangement has not yet received the assent of the Newfoundland Legislature, owing principally to the objections raised to Article XVII, relating to the sale of bait on another part of the coast, Her Majesty's Government do not doubt that the French Government share their hope that a speedy settlement may be arrived at on the general question; and having regard especially to the fact that the factories in question are not new ones, and were established with the assent of the French Consul, it is hoped that your Government will not object to their continuance pending a settlement of the Fishery question.

The injury caused to the owners by a forced removal would be very great in the case of those which have been established for some years; but if it should turn out that any of the factories in question have been established since the date of the Paris Arrangement, Her Majesty's Government will be prepared to take the necessary measures for their removal.

I have, &c.
(Signed) IDDESLEIGH.

No. 37.

Admiralty to Foreign Office.—(*Received December* 18.)

(Extract.) *Admiralty, December* 14, 1886.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the perusal of the Earl of Iddesleigh, printed copies of the Annual Report on the Newfoundland Fisheries for the past season, forwarded by the Commander-in-chief on the North America and West Indies Station in his letter of the 23rd October.

2. My Lords propose to express their approval of the creditable manner in which the several officers employed in the supervision of the fisheries have carried out their duties; and I am to request that in laying the Report of their proceedings before Lord Iddesleigh, you will invite his Lordship's concurrence in this approval.

3. Other matters which, in their Lordships' opinion, call for special notice, are those adverted to in Admiral Lyons' letter in paragraphs 2 and 3, respecting the use of cod-traps, and in paragraph 4, respecting the establishment of lobster factories. The latter form the subject of a separate correspondence between Captain Hamond and Commodore Le Clerc, which is printed at the end of the Fishery Reports as Inclosures 8-10.

4. I am to add that a similar letter has been addressed to the Colonial Office.

Inclosure 1 in No. 37.

Vice-Admiral Lyons to Admiralty.

(Extract.) "*Bellerophon*," *at Halifax, October* 23, 1886.

IN submitting, for the information of the Lords Commissioners of the Admiralty, the Reports on the Newfoundland Fisheries for the past season, I would observe:—

1. The hopes entertained by Her Majesty's Government that the recent instructions issued by the Government of France to its naval officers employed in Newfoundland waters would not be enforced have not been altogether realized.

2. The correspondence between Captain Hamond, of the "Emerald"—who, I may here take the opportunity of saying, has, as Senior Officer on the Newfoundland coast, displayed great tact and ability—and Commodore Le Clerc, on the subject of the arbitrary seizure of cod-traps by French officers, will place their Lordships in possession of a fruitful source of grievance on the part of our fishermen, and of a growing irritation against the French.

3. The suggestion made by Captain Hamond, and his view is shared by the Governor of Newfoundland, that the use of cod-traps should be made illegal, would probably remove the principal cause of dispute and bad feeling between the French and Newfoundland fishermen. It seems clear that the practice of using these traps *does*

interfere with the French fishing; at the same time, they do not tend to improve the prospects of the great majority of our fishermen. The French naval authorities forbid their use by their own people.

Until the Legislative Assembly and Council of Newfoundland shall have passed a Law to the above effect, I think, with Sir William Des Vœux, that the English officers should be empowered to forbid our fishermen from using cod-traps on that part of the coast where the French have fishing rights.

4. As regards the correspondence between Commodore Le Clerc and Captain Hamond on the subject of the erection of lobster factories, the measures taken by Captain Hamond would, I think, fully meet the case. These canning factories must be a great boon in finding employment for the poorer classes of the inhabitants on the coast.

5. Their Lordships will observe that Captain Hamond expresses his satisfaction at the efficient manner in which their duties were performed by Commander Gibson, of the "Lily," and Commander W. L. H. Browne, late of the "Mallard," who was on the Newfoundland coast the greater part of last season. I think that the expression of their Lordships' approval might be conveyed to Commander Browne.

Inclosure 2 in No. 37.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 20, 1886.

I HAVE the honour to forward herewith the Fishery Reports for this season. In accordance with the instructions I received, I have kept the two ships under my orders on those parts of the coast where the French have been exercising their rights of fishing.

2. The weather until August was bad; there were a great number of icebergs on the coast, and much foggy weather was encountered.

3. I would observe that Commander Gibson and Lieutenant-Commander Browne have proved most efficient officers, and carried out their duties to my entire satisfaction.

4. Lieutenant-Commander Sanderson informs me that the French lobster factory at Port-au-Choix, on the establishment of which I made a separate Report (letter of the 11th July, 1886), has been carried on at a considerable loss; and that Captain Le Clerc, the French Senior Naval Officer, had the roof of the shed taken off. The boiling and tinning operations have since been carried out on board a brig.

5. It is unnecessary to add any further remarks, as I have written more fully in my "General Remarks" at the end of the Fishery Reports.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 37.

General Remarks on Fishery Report.

THE cod fishing on the coasts of Newfoundland and Labrador has been this year much below the general average, with the exception of that on the south and south-west coast of Newfoundland. The back fishing has been very successful.

At many of the ports on the coast schooners are manned and fitted out for Labrador, and as these have been generally unsuccessful this year there will be a good deal of distress and destitution. I believe the Newfoundland Government is aware of this, and will take measures of relief.

I am strongly of opinion that the use of cod-traps on that part of the coast where the French have fishing rights should be made illegal. I addressed a letter to his Excellency Sir G. W. Des Vœux on the subject, and he informed me that the matter would be laid before the Legislature, and dealt with at the next Assembly.

If the use of cod-traps was forbidden, it would remove one of the chief causes of trouble betwixt the French and English fishermen, and, I believe, benefit the resident fishermen.

There have been few complaints made this year by either the French or English fishermen, but I understand there is a strong feeling of irritation against the French growing up amongst the resident fishermen in consequence of the French seizure and

retention of cod-traps. I have written more fully on the subject in my letter reviewing the answer of Captain Le Clerc to my protest against his action.

The salmon fishing has been bad, and seems to be decreasing yearly. I am inclined to attribute the decline to the use of cod-traps, which catch small and great, although it is not legal to set a salmon-net under 6-inch mesh; also to the long-continued barring of the rivers. This practice is forbidden by law, but the law is often evaded.

On the north coast the herring were plentiful during the latter part of the season. At St. George's Bay, where the fishery is much practised, I was informed that, owing to bad prices, it had not paid the fishermen to catch them; however, latterly the prices improved.

There are several lobster factories on the west coast of Newfoundland, generally doing well. A complaint against the establishment of two of them was made to me by Captain Le Clerc. I visited the locality, but found that they did not interfere with any fishing. They were worked by two Prince Edward Islanders (father and son), and they promised me to burn or destroy all lobster refuse in future, so as to avoid any possible cause of complaint, and also to employ only Newfoundland residents in catching and tinning their lobsters. This constant employment will be a great help to the poor inhabitants of the district.

The French fishing on the Newfoundland coast has been poor. There have been only twenty-two vessels this year, employing between 1,100 and 1,200 men; on the other hand, there has been an increase in the number of vessels prosecuting the Bank fishery from St. Pierre.

(Signed) RICHD H. HAMOND,
Captain and Senior Officer, Newfoundland Division.

Inclosure 4 in No. 37.

Commander Gibson to Captain Hamond.

Sir, *"Lily," at St. John's, Newfoundland, October* 8, 1886.

IN forwarding my Fishery Report, I have the honour to make the following remarks:—

2. The fishery this season on the coast between Cape St. John and Cape Norman has been generally poor; at Cook Harbour and the Gray Islands it has been better than at most places.

3. I received one complaint from the Prud'homme of the French rooms at Kirpon concerning cod-traps being set and interfering with his fishing.

4. The French do not appear to object to the local fishermen fishing with hook and line, but they much object to traps; and I am strongly of opinion that it would tend very greatly to remove chances of quarrels between the fishermen of the two nations if traps were made illegal, or certainly so on that part of the coast where the French have fishing rights.

5. Both English and French complain of the passing schooners, and if some system of licensing them to fish only in certain places could be carried out, I think it would be very beneficial.

6. I am of opinion that if Article IX of the proposed new Arrangement of 1885, empowering the Commanders of French cruizers to oppose the fishing operations of British subjects, if necessary (and no English cruizer is in sight), is allowed, it is likely to cause trouble.

7. I believe there is a growing feeling amongst the Newfoundlanders that the French have too much power on the coast where they enjoy fishing rights, and it would not surprise me at all if they resisted by force, should they consider themselves strong enough to succeed, any attempt by the French to deprive them of their fishing implements. One woman, speaking to me about her son's cod-trap, which had been seized by the French, declared she was an "Englishwoman," and would have shed her last drop of blood and died by her trap rather than let the French take it; and when the women have those ideas, I don't think it will be long before they incite the men to resist.

I have, &c.
(Signed) HERBERT W. S. GIBSON.

Inclosure 5 in No. 37.

General Remarks on Newfoundland Fishery Cruizes, June to October 1886.

THE fishing generally on the north-west coast has been "fair," and reported better than last year. It was unfortunate that the value of herring was not known on the coast at an earlier date, as last year having no sale for them none were taken when they first set in this year.

The lobster factories have done fairly well, except the French, who, I believe, suffered from having their lobster-pots made of the wrong kind of wood. The wood split, and new pots had to be made of a different kind. The employment of some of the men and women belonging to the place is very beneficial on the coast, especially when there is a scarcity of fish, and not much employment for the men in that way. At the French factory the latter part of the season the Newfoundland people employed were discharged, the French alone working the factory.

The weather during the latter part of September and early part of October was very bad. Strong south-westerly gales were very prevalent, but no fogs were experienced. A little ice was seen on the east coast and in the Straits of Belle Isle, but none on the north-west coast during this period.

The number of French employed this year was considerably less than last year.

(Signed) EDWD. J. SANDERSON,
Lieutenant-Commander.

"*Mallard*," *October* 6, 1886.

Inclosure 6 in No. 37.

Tract Chart of the Movements of the Ships employed on the Coast of Newfoundland and Labrador during the Season of 1886.

[Not printed.]

Inclosure 7 in No. 37.

Captain Hamond to Admiral the Earl of Clanwilliam.

My Lord, "*Emerald*," *at St. John's, October* 7, 1886.

I HAVE the honour to forward herewith, for your information, duplicates of a correspondence with the French Senior Officer on the subject of the establishment of two lobster-tinning factories at Port-à-Port Bay.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 8 in No. 37.

Captain Le Clerc to Captain Hamond.

Mon cher Commandant, *Sydney, le* 18 *Août*, 1886.

A MON passage à Port-à-Port, le 3 courant, je me suis aperçu qu'il venait de se fonder deux nouvelles usines à homard en cette localité. Une première au nord de la pointe du Bluff Head, et l'autre dans le nord-est et à terre de l'Ile Shag.

En dépit de nos protestations formulées il y a cinq ans, le sud de la Baie de Port-à-Port aux environs de Pic-Benis a été complètement dévasté par l'usine établie sur la pointe du milieu, en un endroit désigné sous le nom de Piccadilly, par les résidents du pays.

C'est maintenant le nord de Port-à-Port que ces nouveaux industriels vont ruiner si on ne vient les arrêter.

Je viens donc protester formellement contre l'édification de ces deux établissements qui, à quelque point de vue que l'on se place, constituent une violation des droits que les Traités confèrent aux pêcheurs Français.

En effet, ils détruisent les richesses de la côte ainsi que cela est déjà fait pour Port Saunders, la Baie de Sainte-Barbe, et comme cela est en train de se faire pour la Baie

Sainte-Marguerite et la Baie de Hawke, et menaçent la France de ne plus pouvoir exercer son droit de pêche que sur une côte entièrement dévastée et ruinée.

Je vous prie donc, mon cher Commandant, de vouloir bien prendre acte de ma protestation et de lui donner toute suite qu'elle comporte.

Veuillez, &c.
(Signé) F. LE CLERC.

(Translation.)

My dear Captain, *Sydney, August* 18, 1886.

ON my passage to Port-à-Port, the 3rd instant, I observed that two new lobster factories had just been set up in this locality, one on the north of Bluff Head, the other on the north-east, on Shag Island.

In spite of our formal protest five years ago, the south side of Port-à-Port Bay has been completely ruined by the factory established on the point in the centre, in a place called by the residents "Piccadilly."

It is now the north of Port-à-Port Bay which these new industries will ruin if they are not stopped.

I therefore protest formally against the building of these two establishments, which, in whatever light it may be regarded, constitutes a violation of the rights which Treaties have conferred on French fishermen.

In fact, they destroy the riches of the coast, as has already been the case in Port Saunders, Bay of St. Barbe, and as is now about to be done in St. Margaret's Bay and Hawke Bay, and France is thereby threatened with being no longer able to exercise her right of fishing, except on a coast entirely devastated and ruined.

I therefore beg, my dear Captain, that you will take act of my protest, and give it all due attention.

Accept, &c.
(Signed) F. LE CLERC.

Inclosure 9 in No. 37.

Captain Hamond to Captain Le Clerc.

Sir, *"Emerald," at St. John's, August* 26, 1886.

I HAVE the honour to acknowledge your letter of the 18th August, protesting against the erection of two lobster factories, one at Bluff Head, and the other at Shag Island.

I shall make a point of visiting that locality with as little delay as possible, but until after such visit I must reserve my opinion and action in the matter.

At present I am hourly expecting the arrival of my Commander-in-chief, but shall shortly leave St. John's, and hope then to have the pleasure of meeting you to discuss various matters.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 10 in No. 37.

Captain Hamond to Captain Le Clerc.

Sir, *"Emerald," at Port Saunders, Newfoundland, September* 13, 1886.

I HAVE the honour to report that I have visited the lobster factories at Bluff Head and on the mainland opposite Shag Island, as I informed you in my letter of the 26th August I was about to do.

The result of my inquiries is that in my opinion these said factories do not interfere with any cod-fishing, either French or English.

I learn that two fishing-vessels from St. Pierre have been fishing on the bank outside Long Point, but this point is 5 miles from Bluff Head, and 9 from the factory opposite Shag Island.

However, I have ordered the owners of these factories to prevent all refuse of lobster being thrown into the sea, and to burn or otherwise destroy it. This they promised they would do in future.

I think, Sir, these measures will avoid any possible injury to the cod-fishing, and I trust will meet the case.

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 38.

Colonial Office to Foreign Office.—(*Received December* 23.)

Sir, *Downing Street, December* 22, 1886.

WITH reference to your letter of the 27th September last, and to the reply from this Department of the 25th October, respecting an order issued in Newfoundland prohibiting for three years, with certain reservations, the fishing for lobsters in Bonne Bay, I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch from the Governor of Newfoundland, with its inclosure, on the subject.

It appears to Mr. Stanhope that it would be unadvisable to make any further communication to the French Government on this matter until the views of the Governor's Ministers, which may be expected, are received.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 38.

Governor Sir G. Des Vœux to Mr. Stanhope.

Sir, *Government House, Newfoundland, November* 24, 1886.

IN accordance with your instructions, I have communicated to my Ministers your despatch of the 30th October, 1886, with reference to the lobster fishery on that part of the coast of Newfoundland where the French have fishing rights. I herewith inclose copy of the Order in Council made under "The Lobster Act, 1878," which is probably the "Decree" referred to in the representation from the French Government, and, though I have as yet had no communication from my Ministers on the subject, I may mention at once that there was never any intention of enforcing this Order against French subjects.

After my Ministers have had time to consider your despatch above referred to, I should probably have occasion to address you further on this subject.

I have, &c.
(Signed) GEO. WILLIAM DES VŒUX.

Inclosure 2 in No. 38.

Order in Council made under "The Lobster Act, 1878."

UPON representation from the inhabitants of Rocky Harbour, Bonne Bay, setting forth the evil which will result to them from an unrestricted taking, in that harbour, of lobsters, upon the supply of which they are dependent at certain seasons for bait for the cod fishery, and upon report of the Magistrate at Bonne Bay, verifying the said representation:

It is ordered that from and after the 30th September next, and for a period of three years therefrom, no lobsters shall be taken in the said Rocky Harbour, except for the purpose of bait, under a penalty not exceeding 100 dollars; but nothing in this Order contained shall prevent any person in the said harbour from catching or taking lobsters for food for himself and family.

And all Customs officials, Magistrates, and constables are hereby required to be aiding and assisting in the effectual carrying out of this Order, and enforcing the prohibition, regulation, and restriction herein contained.

(Signed) M. FENELON,
Secretary's Office, August 9, 1886. *Colonial Secretary.*

No. 39.

Admiralty to Foreign Office.—(Received January 18.)

Sir, *Admiralty, January 15, 1887.*

REFERRING to Admiralty letter of the 14th ultimo, inclosing copies of the Report on the Newfoundland fisheries for the past season, and drawing attention to the points specially adverted to in that Report, namely, the use of cod-traps, the establishment of lobster factories, and the partial enforcement of the new instructions issued by the French Government to their officers on the Newfoundland coast, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, to be laid before the Secretary of State for Foreign Affairs, a copy of a further letter, dated the 11th December, from the Commander-in-chief on the North America and West Indies Station, again referring to these important matters, and inclosing a copy of a letter relating thereto which has been addressed to Captain Hamond, the Senior British Officer on the Newfoundland coast, by the French Senior Naval Officer, Captain Le Clerc.

2. A similar letter has been written to the Colonial Office.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 39.

Vice-Admiral Lyons to Admiralty.

Sir, *"Bellerophon," at Bermuda, December 11, 1886.*

IN continuation of previous correspondence on the subject of the Newfoundland fisheries, forwarded with my letter of the 23rd October last, I have the honour to submit, for the information of the Lords Commissioners of the Admiralty, a copy of a letter which was received on the 5th instant by Captain Hamond, of the "Emerald," from Captain Le Clerc, and in doing so I would point out that additional importance should be attached to that letter from the fact that I find it was posted at Brest on the 12th November, some weeks after the return to France of Captain Le Clerc, whilst it professes to have been written at Sydney, Breton Island, on the 22nd September, and it will be observed that Captain Le Clerc concludes his letter by saying: "I am confident my Government takes the same view of the question." It would thus appear that the letter was written by Captain Le Clerc after communicating with his Government on his return from Newfoundland.

In these circumstances it seems to me that the French Government are disposed to enforce next fishing season, more rigorously than was done the last, the new orders issued to its naval officers in Newfoundland waters, which are embodied in M. Waddington's letter to Lord Rosebery of the 21st June last.

Consequently, it is extremely desirable that an understanding should be arrived at between the two Governments before the commencement of the next fishing season, on the two questions more particularly at issue, the use of cod-traps by our fishermen, and the working of the lobster factories on that part of the coast where the French have fishing rights.

In my letter quoted above I expressed my opinion on these two points: as regards the first, that their use should be forbidden as interfering with the French fishing and being injurious to the majority of our own people; and on the second, that, as the lobster factories do not interfere with the French fishing and are a great boon to the poorer classes of the inhabitants, that they should not be disturbed. Captain Le Clerc is right in saying that only one of the manufacturers is a citizen of Newfoundland, but the others are British subjects, and all the employés belong to the island.

I have, &c.

(Signed) ALGERNON LYONS.

Inclosure 2 in No. 39.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Bermuda, December* 8, 1886.

I HAVE the honour to forward a letter just received from Captain Le Clerc on the subject of lobster factories, in continuation of previous correspondence forwarded to you. (Letter of 7th October, 1886.)

2. In this letter I notice that Captain Le Clerc takes his stand on the exclusive right of the French to the fishery between Cape Ray and Cape St. John, a view quite at variance with that held by Her Majesty's Government.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 39.

Captain Le Clerc to Captain Hamond.

Monsieur, "*Clorinde*," *Rade de Sydney, le* 22 *Septembre*, 1886.

J'AI l'honneur de vous accuser réception de votre dépêche en date du 13 Septembre expédiée de "l'Emerald" au mouillage de Port Saunders.

Je vous remercie des mesures que vous avez bien voulu prendre au sujet des fabriques de conserves à homards établies par vos nationaux au Bluff Head et au mouillage de l'Ile Shag à Port-à-Port.

Je ne puis toutefois laisser passer sans attirer votre attention sur elle, la confusion qui semble résulter de votre lettre entre la gêne résultant pour nos pêcheurs de la présence de ces établissements et la manière dont leur exploitation est conduite. Alors que je vous ai demandé de les faire supprimer, j'avais d'abord en vue l'évidente violation des droits de la France par certains de vos nationaux qui n'ont pas même l'excuse d'être citoyens de Terre-Neuve puisque, à l'exception d'un seul, tous sont des industriels de l'Ile du Prince Edward ou de la Nouvelle-Écosse. En second lieu, j'attiras votre attention sur les conséquences désastreuses qu'a, pour les fonds de pêche, l'incurie et le sans gêne avec lequel les nationaux Anglais pratiquent leur illégale industrie.

Ces faits ont été réprimés par vos soins et c'est un premier point pour lequel je vous remercie, mais, je ne cesserai de réclamer auprès de vous et partant auprès du Gouvernement de Sa Majesté Britannique, la fermeture de ces établissements.

Ils tendent, en effet, à se multiplier d'une façon dangereuse pour l'avenir, et la tolérance que leur accorde le Gouvernement de Saint-Jean peut amener les plus fâcheuses conséquences.

Vous n'ignorez probablement pas que nos nationaux, par suite de l'attitude prise par le Parlement de Saint-Jean au sujet de la vente de l'appât, se verront forcés, à brève échéance, de se servir de la Baie de Port-à-Port pour y pêcher eux-mêmes ce qu'ils avaient l'habitude d'acheter aux pêcheurs Anglais de la côte sud de Terre-Neuve. Il s'ensuit que si ces usines fonctionnaient encore l'an prochain, leur existence, en outre qu'elle serait contraire aux termes de la Déclaration de Sa Majesté le Roi Georges, amènerait certainement des conflits que mon devoir m'oblige à signaler.

Cette question des usines de Port-à-Port me conduit à vous parler de l'Arrêté pris par le Secrétaire Colonial, Mr. Fénelon, Arrêté interdisant pour trois années la pêche du homard au Havre des Roches (Saint-Jean, 9 Août, 1886).

Je dois vous faire connaître que je donne l'ordre aux bâtiments de ma division de ne pas tenir compte d'un Arrêté qui réglemente une pêche dont l'usufruit n'appartient qu'à la France. Le Secrétaire Colonial ne saurait à aucun titre donner ou retirer à des résidents Anglais établis sur le littoral de Terre-Neuve entre le Cap Ray et le Cap Saint-Jean en passant par le nord, un droit quelconque, dès que ce droit concerne la pêche, et j'ai la conviction que mon Gouvernement partage ma manière de voir.

Je suis, &c.

(Signé) F. LE CLERC.

(Translation.)

Sir, "*Clorinde*," *off Sydney, September* 22, 1886.

I HAVE the honour to acknowledge the receipt of your letter of the 13th September dispatched from the "Emerald" at Port Saunders.

I thank you for the measures which you have kindly taken with reference to the lobster factories at Bluff Head and at Shag Island anchorage at Port-à-Port.

I cannot, however, allow your letter to pass without drawing your attention to your failure to distinguish between the annoyance caused to our fishermen by the presence of these factories and the manner in which their working is conducted. When I requested you to suppress them, I had at first in view the evident violation of the rights of France by certain of your countrymen, who have not even the excuse of being citizens of Newfoundland, since, with the exception of one only, all the manufacturers are from Prince Edward Island, or from Nova Scotia. In the second place, I desired to draw your attention to the disastrous consequences to the fishery caused by the carelessness and unrestrained manner with which the British fishermen carry on their illegal industry.

These acts have been repressed by your exertions, and it is a step for which I thank you; but I shall not cease to demand from you, and consequently from Her Britannic Majesty's Government, the closing of these establishments.

They tend in fact to multiply in a manner dangerous for the future, and the sufferance accorded them by the Government of St. John's may lead to the most unpleasant consequences.

You are probably aware that our people, by reason of the attitude taken by the St. John's Parliament on the subject of the sale of bait, will soon be compelled to make use of the Bay of Port-à-Port, to fish there themselves for that which they were in the habit of buying from British fishermen on the south coast of Newfoundland. It follows from this circumstance that, if these factories are still working next year, their existence, besides being contrary to the terms of the Declaration of His Majesty King George, would certainly lead to disputes. It is my duty to draw your attention to this.

This question of factories at Port-à-Port leads me to mention the Decree made by the Colonial Secretary, Mr. Fenelon, a Decree prohibiting lobster fishing for three years at Rocky Harbour.

I think it right to let you know that I am giving orders to vessels of my division to take no notice of a Decree which regulates a fishery the enjoyment of which belongs only to France. The Colonial Secretary has no right whatever to give to or take from the British residents established on the Newfoundland coast, between Cape Ray and Cape St. John, passing by the north, any right whatever, when such right concerns the fishery, and I am convinced that my Government takes the same view of the question.

I am, &c.

(Signed) F. LE CLERC.

No. 40.

The Marquis of Salisbury to Viscount Lyons.

My Lord, *Foreign Office, February 2, 1887.*

THE French Ambassador called upon me to-day by appointment, in order to ascertain what the intentions of Her Majesty's Government were with respect to a Bill that has been passed in the Legislature of Newfoundland for prohibiting the sale of bait to foreigners. His Excellency had, on a previous occasion, expressed considerable solicitude upon this subject, both in respect to the reversal of our practice, which had been pursued by the Government of this country without question for many years, and also on account of the unexpected and sudden character of the impediment which the approval of such a Bill would oppose to the prosecution by French citizens of an industry in which large investments had been made.

I pointed out to M. Waddington that, under the verbal arrangement which was come to at the Foreign Office last autumn in respect to the lapsed or suspended Convention of 1885, all existing rights were reserved on either side, and that, therefore, if Her Majesty's Government were to allow this Bill of the Newfoundland Legislature to come into operation, they would be acting entirely within their rights. At the same time, I said that we recognized the claim arising out of the change of previous practice, and the want of a sufficient opportunity for the requisite preparation.

While reserving for further discussion the policy which Her Majesty's Government might think right to adopt in respect to these or any other questions in dispute touching the fisheries of Newfoundland, we thought that it would be inequitable to bring the measure into operation without giving to the French fishermen and traders a longer notice of the course that was about to be taken; and, therefore, I had to inform his Excellency

that for the present year no change would be made, but that this assurance was given to him without prejudice to our liberty of action in future years.

I am, &c.
(Signed) SALISBURY.

No. 41.

Governor Sir G. Des Vœux to Mr. Stanhope.—(Received at the Foreign Office, February 3.)

Sir, *Government House, Newfoundland, January* 14, 1887.

IN view of the great anxiety existing in this Colony with regard to the fate of the Bill "to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which passed the local Legislature in the Session of last year, and was reserved by me for the signification of Her Majesty's pleasure, I feel bound to accede to the desire of my Ministers, that I should make another effort to obtain from Her Majesty's Government a decision favourable to the desires of the Colony.

2. The more complete knowledge of the position of affairs which I have acquired during the six months that have elapsed since I first addressed your predecessor with regard to this Bill, and the fuller consideration which, in the meantime, I have had the opportunity of giving to the subject, have strengthened to the point of complete conviction my previous impression of its vital importance to the interests of the Colony, and have left me no reason to doubt that the disallowance of the measure, without the adoption of some other means equally efficacious to secure the same end, would be nothing less than a calamity.

3. For it is only by residence here that it is possible to appreciate to the full how completely the prosperity of the Colony depends on its fisheries, and how inevitable is the ruin and misery of the greater part of its population unless the causes are removed that tend to render this industry continuously unprofitable.

4. Owing to the absence of coal, there is not the slightest likelihood that any manufacture of appreciable importance can be carried on here at a profit for purposes of export; and such factories as are here, or are likely to be established, are, or may be expected to be, either directly connected with the fisheries, or indirectly dependent on them, as supplying the only means for the purchase of their products.

5. As regards agriculture, there are no doubt large tracts of waste land in the Colony which are fairly capable of cultivation, and it may therefore be asked, why is the attention of the population not directed to this as a resource, and why cannot they succeed as cultivators as well, for instance, as the people of Manitoba, who have an even more inhospitable climate, and are many of them equally without training to agricultural pursuits?

6. The reply to this is that though the cold of Newfoundland is by no means as intense as that of Manitoba, or even that of the Province of Quebec, the winter here is equally long, if not longer, than it is there, while, on the other hand, there is an absence of the extreme heat of summer which prevails in Canada; and thus wheat, barley, maize, apples, &c., which are the main dependence of the Canadian farmer, cannot, unless under exceptional conditions, be brought to maturity here, while even oats frequently fail to ripen from the same cause, and have to be cut as fodder for cattle. Moreover, as regards the soil, I question whether the extremest enthusiast would venture to compare the capabilities of even that comparatively small portion of it which is cultivable with the prairie lands of Manitoba and the Western United States, so that while the latter are still so partially settled, there is absolutely no prospect whatever that the harvest of Newfoundland soil can ever take the place of the products of its seas for the purpose of export to outside markets.

7. Newfoundland might very possibly produce all the potatoes and meal which it requires for its own consumption if any considerable portion of its population could be induced to overcome its reluctance to abandon the sea, and betake itself exclusively to the cultivation of the soil, while some, though probably no very great, advance might be made in this direction even under the present system of combining farming with fishing pursuits; but even this comparatively small advantage would involve a great change in the habits of the people that could only be brought about gradually, and which when accomplished would afford only to a limited number a very bare support. It would create nothing to exchange with the outside world for wheat, coal, and other articles that have come to be regarded as necessaries of life, and would not in any appreciable degree hinder the rapid decay of wealth, or prevent the consequent collapse of the revenue that would result from continuously unremunerative fisheries.

8. That the disastrous results expected from this cause are by no means merely conjectural we have evident indications from what has occurred during the past year. During the winter now passing the destitution of a great number of the people has been such that the Government, in order to save them from starvation, has been compelled to spend over 50,000*l.* on relief works. As only a very small, if any, part of this amount can be defrayed from ordinary revenue, and there is good reason for believing that the latter cannot to any considerable extent be increased, such an expenditure would be sufficiently serious if the existing state of things could be regarded as abnormal. What, however, constitutes the gravity of the situation is that it is probably not an exceptional one.

9. For though the produce of the Labrador fishery has been in quantity about one-third below the average, and there has probably been an even greater failure on the coast of Newfoundland proper from St. John's northwards, there has, on the other hand, been an unusually good "catch" on the southern and western coasts, while the fishery on what are called the "Banks of Newfoundland" has also been much more than ordinarily productive. In fact, the gain on the one side so far compensates for the loss on the other that the fish export of the Colony will, it is believed, prove little, if at all, short of the average. But however this may be, it is at least certain that there have been many occasions in the past when the general failure was far greater than in the last season, and yet the necessity for Government support was much less urgent.

10. The course of this difference is not far to seek. Formerly, when the world was more exclusively supplied from Newfoundland, a falling-off in the quantity of produce was usually followed by enhanced prices; and even when this was otherwise, the merchants had confidence that the years of abundance would compensate for the years of scarcity, and were thus encouraged to support the destitute fishermen by advances to be repaid in the future, a system which, however open to exception in other respects, had at least the advantage that to a great extent it precluded the necessity of pauper relief.

11. Now, however, this confidence on the part of the merchants is completely wanting, as they have reason to apprehend, from painful experience, that production beyond the average would only depress prices to a point still more unremunerative; and as the practice of advances is on this account coming rapidly to an end, the people who would formerly have been thus supported are now compelled to resort to the Government.

12. If this be a true description of the position, and I am bound to say that it is held to be so by those who appear most competent to form an opinion on the subject, I need scarcely say that the prospect in front of the Colony is nothing less than alarming. For it is evident that such expenditure on works that are only to a very limited extent remunerative cannot continue without a collapse of the colonial credit, and hence very terrible and general distress is only a question of time, and that a not very long time, unless some very substantial change can be effected in the commercial situation.

13. As the only available means of bringing about this desirable change, the colonists look to this measure for practically prohibiting the export of bait fishes; and in view of the importance of the subject, I trust I may be excused for again calling attention to the considerations upon which their hopes in this respect are based, and to the reasons which they regard as giving them an incontestable claim to give effect to their views.

14. Dried codfish, the production of which may be said to constitute the main support of our population, is, to the extent of probably two-thirds of the consumption of the world, obtained from the seas in the immediate neighbourhood of this Colony, either on the coast of the island and its dependency, Labrador, or over the extensive marine plateau known as the Banks of Newfoundland. Of late years the coast fishing has much declined in actual extent, and still more in relative importance; while, on the other hand, that of the Banks has from various causes advanced with rapid strides.*

15. As the Banks of Newfoundland are outside the limits of our territorial waters, people of other nationalities besides the British, especially French and Americans, are engaged in the fishing there, and it is the great increase of their numbers in recent years, and the enormously increased quantity of fish thus obtained, which is regarded as the principal cause of the diminished prices which are so seriously affecting this Colony.

16. As the immediate neighbourhood of the coast of Newfoundland enables its people to cure even the fish caught on the Banks, so as to produce a better quality and at a smaller cost than is possible for foreigners, the above evil might be expected and allowed to cure itself if the competition were otherwise on even terms, as the production would in all probability fall off until it had reached the point where it became remunerative for all concerned. But, unfortunately, the competition is not on even terms in other respects, and

* I am informed that the French fishing fleet employed on the Banks has within the last two years increased by no less than 120 vessels.

the advantages granted to the foreign fishermen by their respective Governments are such as to more than compensate for the natural advantages possessed by the people of Newfoundland, so that the former are able to maintain and continually increase their products, while the latter are less and less able to maintain the unequal struggle.

17. American fishermen are protected in the markets of the United States, which take all their produce, by a duty of 56 cents a quintal, which is almost prohibitive to the results of British industry; while the French fishermen are supported not only by a Law absolutely prohibiting the importation of British-caught fish into France, but by bounties on export and otherwise, which are equivalent to quintal consumed in France, and varying from 8 fr. to 12 fr. per quintal, according to destination, on such as is exported to foreign markets.

18. Under the circumstances, while the United States' market is practically and the French market is actually closed to British-caught fish, the latter is, by the operation of the French bounties, being gradually excluded from all other markets, except as regards the limited quantity taken by Brazil* and other tropical countries, requiring a quality which cannot be produced by the French, owing to the want of the facilities of curing afforded by the neighbouring coast of Newfoundland.

19. At the present moment French fish can, I am told, be bought all over the Continent of Europe at 12*s.* 6*d.* a quintal. The French fishermen, however, obtain for it 21*s.* a quintal, the bounty being thus equal to 72 per cent. of the value, while the British fishermen for their superior produce can obtain only 14*s.* a quintal, or 33 per cent, less.

20. It requires but little imagination to perceive how this condition of things must end unless a remedy can be found, and, but for an unusual consumption of Newfoundland fish this year in Brazil (owing to the prevalence of cholera in the Argentine Republic, and the consequent prohibition by Brazil of meat imports from Buenos Ayres and Monte Video), the distress already existing here would have been very much intensified.

21. Now it happens that the quantity of fish caught on the Banks very largely depends on the supply of fresh-bait fishes, and these are principally obtained from the territorial waters of Newfoundland in the immediate neighbourhood, being bought by foreigners, as well as British subjects, from the fishermen of Fortune Bay and the neighbouring inlets. Salt or otherwise artificially prepared bait, though cod can be caught with it, does not attract them by any means in the same degree, while fresh bait, if the supply from the neighbouring coast were closed to foreigners, could only be procured by them on the more distant portion of the Newfoundland coast, where the French have fishing rights, or elsewhere, at considerably greater cost, and owing to ice at a period of the year later by three or four weeks. If the cheaper, more ready, and more prolonged supply from the coast in the immediate neighbourhood of the "Banks" were cut off, there can be no doubt whatever that under no possible bounty could the quantity obtained by foreigners remain as large as at present, and in all probability it would fall off to that which would be sufficient for their home markets.

22. This being the state of the case, it is evident that Newfoundland is thus furnishing the means of its own destruction, and it cannot be matter of surprise that its people should desire to put an end to so pernicious an anomaly, and to be permitted to adopt the principle which, I am informed, has long been put into practice in England, of preventing access to their coasts on the part of foreigners for the purpose of procuring bait.

23. If the loss caused to foreigners by the cutting off of this supply were at all commensurate with that which will be suffered here from its continuance, the argument against such a measure, on the ground of international comity, would, of course, have much strength; but, as a matter of fact, the one is not at all comparable with the other. For while the fishing industry in this neighbourhood is, by comparison with their other resources, of infinitesimally small importance to the other peoples concerned, it is to the people of this Colony their all in all; and the withdrawal of the privilege from foreigners, while it would at the worst cause them only a comparatively trifling inconvenience, is to us sole means of preservation from ruin.

24. Under these circumstances, the case of the colonists in favour of the proposed prohibition would be very strong, even if the foreigners to be prohibited were in no way contributing to the evil which it is designed to remedy; but, in fact, they are, one and all, so contributing by the exclusion of Newfoundland fish from their markets, while the French, who would probably suffer most from the proposed measure, are by reason of their export bounties chiefly responsible for its necessity.

* Since writing the above, I have been informed on good authority that French-caught fish has this year for the first time invaded even the market of Brazil, and though the quantity sent was small, the prices obtained were so remunerative as to render probable a large increase of export thither in the coming season.

25. Though this measure, if allowed, would to a large extent place the fish production in this neighbourhood within the control of the people of this Colony, they have no desire to monopolize it, and I feel satisfied that they would willingly modify the provisions of the measure in favour of such Governments as would grant a proportional reciprocity.

26. Without of course being able to speak with certainty as to the amount of concession that would be granted by the Legislature in any particular case, I have very good reason for believing that, as regards the United States, the right of obtaining bait would be restored on the opening of the American markets to Newfoundland fish, or (if common cause be made with Canada) to all British fish; while in view of the greater expense involved in maintaining the fishery from head-quarters on the other side of the Atlantic, I believe that in the case of the French the abolition or a substantial reduction of the export bounties would alone be held sufficient, even though the other bounties and the prohibition of the import of British fish were still retained. In a word, the principle that the colonists desire to maintain is, "Live and let live," and they merely object to that of "Let others live by killing us."

26. But whether the views of the colonists on this subject are just or not (and after much and anxious consideration of the subject I am bound to say that, in my opinion, they are based on very substantial grounds), the proposed measure of prohibition, as in no way affecting the Treaty rights of foreign Powers, can scarcely be contended to be otherwise than such as is within the competence of the local Legislature under the existing Constitution of the Colony: and, indeed, if the same object had been aimed at by more indirect means, and a Bill had been passed imposing a prohibitive duty on bait exported in foreign vessels, it appears open to doubt whether, under my existing instructions, I should have been justified in refusing assent to it.

27. But however this may be, any question as to the competence in the matter of the Colonial Legislature has been practically set at rest by the recent allowance of the Canadian Bill, which, I am informed, adopts almost precisely similar means for procuring an analogous object. And as the importance of the fisheries to the Dominion is moreover incomparably less, for the reasons above given, than to this Colony, it may be presumed that the disallowance of the Newfoundland Bill, which would appear probable from the long delay of decision, is due to some Imperial consideration which applies either not at all, or in a considerably less degree, to the case of Canada. If this be so, as indeed there are other reasons for believing, I would respectfully urge that in fairness the heavy resulting loss should not, or at all events not exclusively, fall upon this Colony, and that if in the national interest a right is to be withheld from Newfoundland which naturally belongs to it, and the possession of which makes to it all the difference between wealth and penury, there is involved on the part of the nation a corresponding obligation to grant compensation of a value equal, or nearly equal, to that of the right withheld.

28. With further reference to the Canadian Act referred to, I may mention, as possibly having escaped notice, that its object will, to a large extent, fail to be secured if the similar measure of this Colony should not be in force, as it is not impossible that the Americans could afford to disregard the prohibition of bait supply on the Canadian coast, if they were assured of being able to procure all they require on the coast of Newfoundland.

29. The interests of Canada and of this Colony being thus, to this extent, identical, it is not difficult to foresee that any further delay in the allowance of the Bill would give rise to strong pressure on the part of the Canadian Government. Unless, therefore, there be some paramount consideration that has decided Her Majesty's Government against this Bill, I would respectfully suggest that the allowance should take place before this pressure makes itself felt, and that the appearance should be avoided of conceding to a powerful Dominion what has been denied to the entreaties of a comparatively weak and unimportant Colony.

30. I may mention that every day's delay is causing loss to this Colony, in restricting preparations for next season's fishing. For the allowance of this Bill would be at once followed by a large increase in the number of British vessels employed in the Banks fishing; and even now it is too late in some cases for arrangements that would enable advantage to be taken of the earliest portion of the season.

31. Moreover, it is only fair to the French that, if they are to be prohibited from procuring bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly; it being probable, as regards the large number of vessels which annually leave France for these fishing-grounds, that preparations are being already made for their dispatch in order to enable them to obtain bait and commence the fishing at the beginning of April. And thus, not merely in the interest of this Colony and Canada, but for the sake of international comity, I would

respectfully urge that, in the absence of a fixed decision against this measure, the delay which has already taken place in respect of its allowance should not be further prolonged.

32. Now that I fully comprehend the present position of the Colony, it is to me no longer a matter of wonder that the Legislature has hitherto failed to ratify the proposed Arrangement with France; indeed, I can scarcely conceive it possible that this Arrangement will ever be accepted so long as the Bait Clause remains in it, and no security is taken that the export bounties will not be maintained on their present footing.

33. For though all the other Articles have the appearance of concession on the part of the French, and some are, no doubt, substantial concessions, they are all immeasurably outweighed by the single concession required on the part of this Colony. For if there were granted to the French an inalienable right to procure bait here, the future, not only of the coast where they already have fishing rights, but of the whole Colony, would practically be placed within the control of their Government. Even if the present bounties should prove insufficient, it would require but a slight addition to them, involving an exceedingly small cost, by comparison with the enormous expenditure of France, to destroy the trade of this Colony altogether, and at once; and in view of the great importance attached to these fisheries by the French, as the means of maintaining the strength of their navy, it would appear by no means improbable that such an attempt would be made if there were thus withdrawn the only means of preventing its success. And this probability appears the greater, when it is considered that the cessation of British productions with the cause in operation that would render its recovery impossible would, in all probability, produce a rise in the market value of fish, which would eventually render unnecessary the continuance of any bounty, so that the additional expenditure on the part of France would be only a temporary sacrifice that would secure a permanent economical gain.

34. As the matter at present appears to me, it seems deserving of the consideration of Her Majesty's Government whether it would, under any circumstances, be politic to place in the hands of the French a weapon capable of being used with such terrible effect against British interests, and whether, without the security for the discontinuance of the bounties on their present footing as above referred to, it would be wise to make further effort for the passing of the Arrangement while the Bait Clause is included in it.

35. In conclusion, I would respectfully express, on behalf of this suffering Colony, the earnest hope that the vital interests of 200,000 British subjects will not be disregarded out of deference to the susceptibilities of any foreign Power, and this especially when the privilege which that Power desires to retain cannot be pretended to be matter of right, but is a benefit which may be lawfully withdrawn, as in the nature of a tenancy at will, and may now be justly withdrawn as being used for the infliction of fatal injury on those who have hitherto permitted its enjoyment. Sincerely hoping that the fulfilment of the desires of Newfoundland may be no longer delayed, and that I may be able to meet the Legislature next month with the announcement that this important Bill has already received Her Majesty's gracious allowance and confirmation, I have, &c.

(Signed) G. WILLIAM DES VŒUX.

No. 42.

Sir H. Holland to Governor Sir G. Des Vœux.

Sir, *Downing Street, February 3, 1887.*

I HAVE the honour to acknowledge the receipt of your despatch of the 14th January last upon the subject of the Bill passed by the Legislative Council and Assembly of Newfoundland during the last Session, and reserved by you for the signification of Her Majesty's pleasure, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," a transcript of which accompanied your despatch of the 26th May last.

Her Majesty's Government have carefully considered your despatch now under acknowledgment, together with your previous despatches on the subject, as well as the Attorney-General's Report, and the Petition which accompanied your despatch of the 19th June last, addressed to the Secretary of State by both Houses of the Legislature praying that the Bill may not be disallowed.

The representations made by the Attorney-General and by Sir Ambrose Shea, with whom Her Majesty's Government had the advantage of repeatedly conferring during their visits to this country, have also received full attention.

Owing to the change of the Government here, there has unfortunately been some unavoidable delay in dealing with this question, but I have made it the first subject of my consideration, and have not lost any time in bringing it under the notice of Her Majesty's Government, who recognize the great importance of maintaining and developing by all legitimate means that industry on which the greater part of the population of Newfoundland is directly or indirectly dependent. The representations of the French Government, on the other hand, have also necessarily received careful attention.

Her Majesty's Government are aware that, when the Convention of 1857 was under consideration, a clause relating to bait formed one of the grounds for the rejection of that Convention by the Government of Newfoundland; but it is to be remembered that the clause in question conferred on the French not only the right to purchase bait, but to take it for themselves on the south coast in a certain contingency, and was for this reason much more unfavourable to colonial interests than that inserted in the Arrangement of 1885.

In the negotiations which have taken place since 1857 a provision for the sale of bait to French fishermen has invariably been contemplated, and has been agreed to by Representatives of the Colony on more than one occasion. Moreover, in Resolutions adopted in 1867, and again in 1874, the Legislative Council and House of Assembly of Newfoundland agreed to a clause allowing the French to purchase bait at such times as British subjects might lawfully take the same.

More recently again, when the Arrangement of 1884, in its first stage, was communicated to the Colonial Government, the Article providing for the sale of bait to French fishermen was not objected to by them, although other modifications of the details of the Arrangement were pressed by the Colony. It was only at so recent a date as the spring of last year, when the Arrangement, as revised in 1885 in accordance with the wishes of the Colonial Government, was presented for the final approval of the Legislature of Newfoundland, that exception was taken to the provision for the sale of bait to the French fishermen, and this objection was followed up by the passing of an Act to give effect to it.

I recapitulate these facts in order to explain how it is that Her Majesty's Government, while fully recognizing the serious character of the representations now placed before them as to the actual condition and prospects of the colonial fishing trade, feel constrained to admit that there are special difficulties in the way of an entire departure, at the present moment, from the policy which has been so long adhered to. The time is now close at hand at which the French fishermen prepare to sail for the fisheries, and large expenditure has been incurred for the season, and the French Government, having received no formal intimation that the practice hitherto uniformly maintained will be departed from, has been entitled to assume that there will be no alteration in the arrangements for the current year. Her Majesty's Government would consequently not be justified in disregarding the strong protest of the French Government against the introduction at this late period of restrictions calculated to inflict grave loss upon the French fishermen; and as for this reason they are unable to advise the Queen to allow the Bill to come into operation in respect of the approaching fishing season, it will not at present be submitted for Her Majesty's confirmation.

I do not desire now to raise the question how far the objection to the sale of bait to the French should, if well founded, have been pressed at an earlier date. The papers before me make it clear that it has but very recently been discovered that the operation of the French bounties has so lowered the price of fish in the markets of Europe as to make the fishing no longer profitable to the colonists, who are not aided by bounties. In the 19th paragraph of your despatch you state that on the Continent of Europe French-caught fish is sold for 12*s.* 6*d.* per quintal, while that caught by British fishermen, being better prepared, fetches 14*s.* per quintal. As the French fishermen receive, in addition, a bounty which, you state, amounts to some 8*s.* 6*d.* per quintal, it is sufficiently obvious that the British fishermen lie under a grave disadvantage; but I do not perceive that it has yet been shown in detail that although there is a great difference between the present price of 14*s.* per quintal and the former price of 15*s.* to 20*s.*, which, as stated in a Memorandum furnished to Her Majesty's Government, was obtained for Newfoundland fish until about two years ago, the colonial fishery has actually ceased to be remunerative, and to what extent. It is desirable that the case for the allowance of the Bill should be supported by full evidence on this point, and during the current year it will be possible to ascertain accurately the full effect of the French bounties and the exact position of the British fishing trade. Until these facts have been established, it is not possible for Her Majesty's Government to decide with confidence whether the proposed legislation will prove to be the best mode of applying a remedy for the depressed state of the colonial

fishery, or whether, after further communication with the French Government upon a more precise statement of the facts, such remedy may be found in some other direction.

I have, &c.
(Signed) H. HOLLAND.

No. 43.

Sir H. Holland to Governor Sir G. Des Vœux.

Sir, *Downing Street, February* 11, 1887.

I HAVE the honour to transmit to you herewith, for communication to your Government, printed copies, received through the Admiralty, of the Annual Report on the Newfoundland Fisheries, forwarded by the Commander-in-chief on the North American and West Indies Station.*

As regards the French rights of fishery off the coast of Newfoundland, the two principal points in these Reports, and accompanying correspondence, which especially deserve the attention of your Government are:—

1. The use of cod-traps by British fishermen; and

2. The lobster factories which have been established on certain parts of the coast.

On the first point my predecessor addressed a despatch to you on the 18th October last, and you were asked to ascertain whether your Government contemplated taking any steps for prohibiting the use of cod-traps, at any rate on that part of the coast of Newfoundland to which the French right of fishing extends.

There can be no doubt from the evidence of the British naval officers that these traps constitute a serious interruption with the fishing operations of the French, and I desire to impress upon your Government the urgent necessity of the adoption—without delay, and in view of the approaching fishery season—of such measures as may prevent this interruption in future, as, if continued, it may result in grave difficulties between the fishermen of the two nations.

I should be glad to learn at your earliest convenience the course which they propose to take to guard against so serious a risk.

With regard to the lobster factories which have been established by British subjects on certain parts of the coast, I have the honour to inform you that a correspondence on this subject has recently passed between this Department and the Foreign Office, arising out of an application made by the French Ambassador at this Court for the suppression of certain lobster factories at Port-à-Port.

The French Government have approved the removal of some lobster factories established on the coast by French subjects, and although the correspondence with the French Government is still incomplete as to the removal of the British factories, your Government must be prepared for that Government insisting upon their removal.

In your despatch of the 14th September last you stated your intention of apprising the Secretary of State of the views of your Ministers on the question of prohibiting such establishments on the coasts where the French rights exist, and you informed my predecessor on the 27th of the following month that no decision had up to that time been taken in the matter.

I have now to request that you will bring these papers before your Ministers at the earliest opportunity, and apprise me of their views on the suggestion contained in paragraph 7 of your despatch above referred to, as to the advisability of closing all the lobster factories on the coasts in question.

I have, &c.
(Signed) H. HOLLAND.

No. 44.

Colonial Office to Foreign Office.—(Received February 14.)

Sir, *Downing Street, February* 12, 1887.

A LETTER has been received in this Department from the Admiralty, dated the 15th January last (and it is understood that a similar letter has been addressed to the Foreign Office), inclosing a copy of a letter, dated the 11th December, from the

* No. 37.

Commander-in-chief on the North America and West Indies Station, with inclosures, relating to certain matters connected with the Newfoundland fisheries.

The questions bearing upon the use of cod-traps and the establishment of lobster factories referred to in these papers are, in the opinion of Sir Henry Holland, sufficiently disposed of for the present by the despatch which was on the 11th instant addressed to the Governor of Newfoundland.

It will be observed that Captain Le Clerc, in his letter addressed to Captain Hamond, of the "Emerald," dated the 22nd September last, referring to an Order prohibiting for three years the taking of lobsters in Bonne Bay, takes a more comprehensive view of the French rights on the Newfoundland coasts than did Count d'Aubigny in the note which he addressed to the Secretary of State for Foreign Affairs on the 20th September last. Count d'Aubigny appears to found his complaint on the fact that the French right of fishery cannot be limited by a Colonial Decree; but the position taken by Captain Le Clerc is tantamount to a denial of the right of the Colonial authorities to issue any Decree binding upon British subjects on matters concerning the fisheries on that part of the coast to which the French rights of fishery extend. As this ground, however, is not taken by the French Government, Sir H. Holland does not think any notice need be taken of Captain Le Clerc's observations; the French Government would, no doubt, be satisfied on receiving an assurance that the Order in question will not be enforced against French subjects.

On this point I am desired to inclose copy of a despatch which will be addressed to the Governor by the next mail.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 44.

Draft of Despatch to Governor Sir G. Des Vœux.

Sir, *Downing Street, February* 12, 1887.

IN his despatch of the 29th October last my predecessor communicated to you a note received from the French Chargé d'Affaires at this Court, giving notice on behalf of his Government that they could not recognize the validity of an Order passed by the Government of Newfoundland prohibiting for three years the fishing for lobsters in Bonne Bay.

In your reply of the 24th November you stated that after your Ministers had had time to consider the despatch in question, you would address the Secretary of State further upon the subject, and you mentioned that there was not any intention of enforcing the Order against French fishermen.

I should be glad to receive from your Ministers a formal assurance to this effect, as the matter has again been brought to the notice of Her Majesty's Government in a correspondence which has passed between the British and French naval officers on the Newfoundland Station.

This correspondence also refers to the questions connected with the use of cod-traps and to the establishment of lobster factories on the coast, upon which I addressed you in my despatch of the 11th instant.

I feel assured that your Ministers will recognize the necessity of coming to an early decision in regard to these matters.

I have, &c.

No. 45.

Colonial Office to Foreign Office.—(*Received March* 22.)

Sir, *Downing Street, March* 21, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for communication to the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing newspaper extracts respecting the action of Her Majesty's Government with regard to the reserved Bill of 1886 for the preservation of bait fishes.

I am also to inclose a copy of a further despatch from Sir G. W. Des Vœux

reporting the departure of Mr. Thorburn and Sir Ambrose Shea for this country with a view to making further representations to Her Majesty's Government on the subject.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 45.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

WITH reference to your despatch of the 3rd instant, informing me of the inability of Her Majesty's Government to allow to come into force this year the Bill for the preservation of bait fishes which was passed by the Legislature of this Colony in the Session of last year, I have the honour to inclose, for your perusal, various extracts from local newspapers on the subject of this non-allowance.*

You will observe that one of these journals advocates annexation of the Colony to the United States.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 45.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

I HAVE the honour to inform you that Mr. Thorburn, the Premier of this Colony, and Sir Ambrose Shea, the leader of the Opposition, are proceeding to England by the mail-steamer which carries this, with a view to make further representations to Her Majesty's Government on the subject of the preservation of bait fishes.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

No. 46.

Colonial Office to Foreign Office.—(Received March 31.)

Sir, *Downing Street, March* 30, 1887.

WITH reference to previous correspondence, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, copy of a despatch rom the Governor of Newfoundland, inclosing copies of a Bill entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed unanimously by both Houses of the Legislature of Newfoundland in the first week of the present Session.

Sir H Holland defers making any observations on the subject of this Act until he has had an opportunity of further conferring with Sir A. Shea and Mr. Thorburn, who have been deputed to make representations to Her Majesty's Government in reference to this matter, as will be seen by the Governor's despatch of the 21st February, of which a copy was inclosed in my letter of the 21st instant.

I am, &c.
(Signed) JOHN BRAMSTON.

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* Not printed.

Inclosure 1 in No. 46.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

I HAVE the honour to forward herewith copies of a Bill entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed unanimously by both Houses of the Legislature of this Colony in the first week of the Session.

2. With the exception of the clause suspending the operation of the measure until its allowance by Her Majesty is made known by Proclamation, this Bill is identical, or almost identical, with that passed in the Session of last year, of which the non-allowance was conveyed to me in your despatch of the 3rd instant.

3. As this Bill contains the suspensory clause referred to, I have given my assent to it.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 46.

ANNO QUINQUAGESIMO VICTORIÆ REGINÆ.

CAP. 1.—*An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes.*

[Passed February 21, 1887.]

Preamble.

WHEREAS in the interests of the fisheries of this Colony, and for the preservation of the bait necessary for the pursuit of these fisheries, it is essential to regulate the exportation and sale of such bait:

Be it therefore enacted by the Governor, the Legislative Council, and Assembly in Legislative Session convened as follows:—

No person shall haul, catch, purchase, or sell bait, except he shall obtain a licence from the Receiver-General.

1. No person shall—
(1.) Export or cause or procure to be exported or assist in the exportation of, or
(2.) Haul, catch, purchase, or sell for the purpose of exportation, or
(3.) Sell or purchase for the purpose of sale

any herring, capelin, squid, or other bait fishes from on or near any parts of this Colony or of its dependencies, or from or in any of the bays, harbours, or other places therein, without a special licence in writing obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted.

Persons found hauling, taking, or conveying bait fishes may be examined on oath by Justice of the Peace or other officer.

2. Any person found hauling, catching, or taking, shipping, or conveying any of the said fishes within the said limits, or any person having any of the said fishes in possession, may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether such herring, capelin, squid, or other bait fishes are intended for exportation or sale, and on refusing to answer, or answering untruly, or failing to produce a licence as above mentioned, such Justice, officer of Customs, Fishery Warden, or person commissioned as aforesaid may seize the vessel in or on board of which such herring, capelin, squid, or other bait fishes shall have been hauled or caught or put, kept, shipped, carried, or conveyed, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and bring the same before any Stipendiary Magistrate, and the person so refusing to answer, answering untruthfully, or failing to produce the said licence, shall be guilty of an offence against this Act.

Licence issued under the authority of the Governor in Council.

3. The licence provided for in the first section shall be issued under the authority of the Governor in Council, and shall be countersigned by the Colonial Secretary.

Persons forging or counterfeiting signature of the Receiver-General guilty of offence against this Act.

4. If any person shall forge or counterfeit or procure to be forged or counterfeited the signature of the Receiver-General to any such licence as mentioned in the next preceding section, or shall tender or offer in response to inquiries made under the provisions of this Act, or in evidence in any prosecution under this Act, any such licence knowing the signature thereto to be false or counterfeit, such person shall be deemed to be guilty of an offence against this Act.

alty for first subsequent ations.

5. Every person guilty of a violation of any of the provisions of this Act shall, for the first offence, be liable to a fine not exceeding 1,000 dollars, and in default of payment of any such penalty to imprisonment for a period not exceeding six months, and for the second or any subsequent offence to imprisonment for a period not exceeding twelve months.

le of procedure.

6. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines incurred under the provisions of this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same; one half of such fine shall go to the party who may prosecute the offender, and the remainder to the Receiver-General for the use of the Colony; and in the event of the prosecution of an offender who, under this Act, would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate of the Magistrate who heard the cause, be paid to the prosecutor by the Receiver-General.

son convicted appeal to reme Court.

7. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate in writing within seven days next after such conviction; and the party desiring to appeal shall also, within fourteen days after such notice given, enter into recognizance with two approved sureties before the convicting Magistrate conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party on the first day of such next sitting of the Supreme Court to the Sheriff of the district in which such appeal shall be heard.

eedings not hed for in- ality.

8. No proceeding or conviction by, or order of, any Justice or other officer under this Act shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

litional penalty.

9. Any person who shall violate any of the provisions of this Act, in addition to the penalties provided in the 5th section hereof, shall be liable to have his vessel, or the vessel used by him, seized in manner aforesaid, her tackle, apparel, furniture, and outfit forfeited and sold by public auction.

it included er "vessel."

10. In this Act the word "vessel" shall include any boat or ship, registered or not registered, jack, skiff, punt, and launch, whether propelled by sails, oars, or steam.

hts of States in y with Her esty not ted.

11. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with Her Majesty.

ending clause.

12. This Act shall not come into operation unless and until the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Officer administering the Government shall notify the same, or any other, by Proclamation.

Schedule.

edule.

Form of Licence mentioned in the First Section.

According to the provisions of the Act passed in the year of the reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," permission is hereby given to *A.B.*, of , &c., to haul, catch, and take herring, capelin, squid, and other bait fishes, in his boat or vessel called the , during the ["current" or "now coming," as the case may be] fishing season, for the purpose of ["exportation" or (and) "sale"], as the case may be.

Dated at St. John's this day of , 188 .

(Signed) C. D.,
Receiver-General.

(Countersigned) E. F.,
Colonial Secretary.

No. 47.

Colonial Office to Foreign Office.—(*Received April* 5.)

Sir, *Downing Street, April* 4, 1887.

WITH reference to previous correspondence, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, forwarding copies of an Address from the Legislative Assembly of that Colony on the subject of the action of Her Majesty's Government with regard to the Bait Bill passed by the Legislature of the Colony in the Session of 1886.

Sir H. Holland proposes, with Lord Salisbury's concurrence, to reply to this Address in the terms of the inclosed draft.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 47.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, February* 21, 1887.

I HAVE the honour to inform you that there has been sent to me for perusal, when my mail is just closing, an Address to you signed by the Speaker on behalf of the House of Assembly.

2. I observe that this Address refers to the Bill for controlling the sale of bait, which is referred to in other despatches forwarded by this mail. I have, however, no time for comment.

3. I do not forward this document, as I find from a letter of the Speaker, which transmits it to me, that the House desires it to be presented by its Delegates, Mr. Thorburn and Sir Ambrose Shea, whom, as I have informed you in another despatch, go home by this mail.

I have, &c.
(Signed) GEO. WILLIAM DES VŒUX.

Inclosure 2 in No. 47.

Address.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies.

Sir,

WE, Her Majesty's loyal subjects, the Commons House of Assembly of Newfoundland, in Session convened, have had under consideration the subject of our coast fisheries in relation to the operations of foreign fishermen and their competition in our markets. The history of this important matter was exhaustively examined in an Address, from both branches of our Legislature, to the Right Honourable the Secretary of State for the Colonies in May last. This Address accompanied a Bill, passed in the last Session, to control the sale of bait to foreigners, and set forth the reasons for the adoption of that measure, and with such completeness and force as to claim its confirmation by Her Majesty's Government, for whose sanction it had been reserved.

The Council and House of Assembly had not contemplated the possibility of successful opposition to their views in this case. The measure was the outcome of a state of things which placed all our interests in a perilous position. We accordingly passed the Bait Act as a measure of self-preservation, and this was so clearly shown in the Address that accompanied it that we saw no room for doubt of the cordial concurrence of Her Majesty's Government in this endeavour to guard the integrity of our trade and the well-being of our population.

It was, therefore, with feelings of profound disappointment and regret that we learned

from his Excellency's Speech, at the opening of the present Session of the Legislature, and from your despatch to him of the 3rd instant, that Her Majesty will not be advised to give her sanction to this Bill.

This announcement awakened a public sentiment that has had its expression in the immediate passage of another similar Bill, which took precedence of all other business in the Legislature, and will be transmitted immediately for the approval of Her Majesty's Government. We most earnestly trust that the result of this renewed effort in support of our rights may not be another disappointment with its ruinous consequences.

When we learn from your despatch that the main reason for the refusal of our Bill is that its present adoption would "inflict grave loss on the French fishermen," we cannot forbear from the expression of our surprise at this apparent disregard of the sufferings of our fishermen, and of the British interests which are thus made subservient to the purposes of foreigners. The people of this Colony have the right in our fisheries, and foreigners have not; and we cannot see those rights surrendered in defiance of our appeals without expressing our deep sense of the injustice to which our people are thus called on to submit.

Your despatch sets forth that further information is required to enable Her Majesty's Government to appreciate the true character and bearings of our Bait Bill. The Address of the Legislature, already referred to, in possession of Her Majesty's Government, is pregnant with facts in justification of that measure, and appears to us to exhaust the whole subject. But while we fail to see any want of completeness in the evidence already supplied, every desire is felt to satisfy any further reasonable requirements in this respect.

It would further appear from your despatch that, in support of the objections to the measure, much importance is given to the fact that the bait traffic has been long recognized, and has only of late been resisted. We thought the reasons for this change of view had been fully explained in the representations recently made to Her Majesty's Government. The traffic was permitted so long as the bounty-assisted fisheries of France found a market in that country for their produce. But within the last three years the great increase in their fisheries has gone far beyond the requirements of their home markets; and we find them meeting us in Spain, Italy, and other European countries, and, with the bounty equal to 60 per cent. of the value of the fish, they are fast supplanting us; the reduced value of our staple industry from this cause already representing a fairly estimated sum of 250,000*l.* per annum, under conditions that menace us with a still more serious decline. In these facts, our change of view of the bait traffic is but too well warranted, and we have abundant reason for the application of the remedy provided in the Bait Act. In furnishing our rivals with bait, we promote the evils we have to contend with, and our only course is to terminate this suicidal traffic.

We are but too conscious that, from the causes referred to, the condition of our trade awakens a sense of great anxiety at the present moment; while we have full trust in the future, if only permitted by Her Majesty's Government to legislate as we see fit for the protection of what belongs to us. We regret we cannot safely accept your view of waiting to test, by further experience, the question how much longer and to what further extent our trade will bear up against the adverse influences that now prevail. Our ability to sustain ourselves against undue competition would be no argument for obliging us to contribute to its continuance, while the perils of such an experiment are too obvious to warrant its acceptance.

Her Majesty's Government, in proposing that they should be the judges of the effect of our measures on our local interests, are not, we humbly submit, in a position to discharge that duty with safety or advantage. When it is suggested that, as regards our Bait Act, a consultation with the French may lead to a remedy being found in some other direction for the admitted evils, this proposal would appear to have originated with a want of knowledge of the situation. A free supply of bait to the French from our coasts means the effacement of our British trade and the exodus of our population, and forbids all thought of possible equivalents. We, moreover, must decline respectfully to accept the view that the French, or any other foreign Power, has a status or consultative claim in the control or disposition of our property, and we humbly demur to any recognition of their pretensions in this respect. We acknowledge no authority but that of the Imperial Government, and their rights of dominion are wisely limited by our Constitutional powers, which secure for us the free exercise of our instructed intelligence in the management of our local affairs.

The decision of Her Majesty's Government leaves us to deal with disheartening prospects for another year, the effects being already seen in the restriction and abandonment of proposed enterprise; but we cannot believe that any alleged difficulties will be

allowed further to supersede the rights and mar the fortunes of the loyal people of thi Colony struggling to maintain their position as an independent and honourable appendage of the British Crown.

[For Inclosure 3 in No. 47, see *post*, No. 58.]

No. 48.

Colonial Office to Foreign Office.—(*Received April* 6.)

(Extract.) *Downing Street, April* 5, 1887.

WITH reference to the instructions to be issueed to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season, I am directed by Secretary Sir Henry Holland to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter which has been addressed to the Admiralty upon this subject.

Inclosure in No. 48.

Colonial Office to Admiralty.

(Extract.) *Downing Street, April* 5, 1887.

WITH regard to the instructions to be issued to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season, I am to inform you that Sir Henry Holland has been in communication with the Marquis of Salisbury, who concurs with him in the approval of the proposed instructions, subject to the following observations and suggestions.

So long as the French are not prevented by law from purchasing bait on the south coast of Newfoundland, there is no objection to the naval officers on the Newfoundland Station being generally instructed to carry out the spirit of the Fishery Arrangement provisionally signed at Paris in November 1885.

No. 49.

Count d'Aubigny to the Marquis of Salisbury.—(*Received April* 20.)

M. le Marquis, *Londres, le* 20 *Avril*, 1887.

LE Gouvernement de la République, sur le vœu unanime des armateurs Français, vient de rapporter, en ce qui concerne ses nationaux, la décision qui autorisait l'usage des trappes à Terre-Neuve. Il a été constaté, en effet, par la pratique de ces dernières années, que l'emploi des trappes pour la pêche constitue une gêne évidente, et compromet gravement pour l'avenir le succès de la pêche de la morue.

Je suis chargé de notifier à votre Seigneurie l'adoption par les autorités Françaises de cette prohibition, qui devra être mise en vigueur dès la saison de pêche, qui s'ouvre en ce moment.

Mon Gouvernement veut croire que la présente notification suffira pour que les autorités Britanniques adoptent sans retard, vis-à-vis de leurs nationaux, des dispositions analogues. Il a toujours considéré les Traités comme assurant aux Français un droit exclusif de pêche dans les eaux de Terre-Neuve qui leur sont réservées. S'il n'en invoque pas toujours la stricte exécution, c'est à la condition du moins que les pêcheurs Anglais n'en entraveront pas l'exercice par leur intervention. Or, les trappes constituent de véritables barrages, arrêtant la morue à l'entrée des havres et l'empêchant de pénétrer dans les baies. C'est pour ce motif que le Commandant de la Division Navale Française de Terre-Neuve s'était vu forcé de confisquer l'année dernière les trappes de certains pêcheurs Anglais. Si plus tard ces engins ont été rendus aux autorités navales de la Grande-Bretagne, cette démarche, ainsi que j'ai eu l'honneur de l'exposer au prédécesseur de votre Excellence, avait un caractère purement gracieux.

Mais mon Gouvernement est convaincu que le débat sur ce point est inutile dans les circonstances actuelles, et que le Gouvernement de la Reine, en présence de

l'interdiction prononcée vis-à-vis des pêcheurs Français, s'empressera d'en édicter une semblable pour ses nationaux dans l'étendue des eaux de Terre-Neuve réservées aux pêcheurs Français.

Je serai reconnaissant à votre Seigneurie de vouloir bien me répondre à cet égard le plus tôt possible.

Veuillez, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, April* 20, 1887.

THE Government of the Republic, at the unanimous desire of French ship-owners, have revoked, so far as their citizens are concerned, the decision authorizing the use of traps in Newfoundland. It has been ascertained, in fact, by the experience of recent years, that the use of traps in connection with fishing does real harm, and seriously affects the future success of the cod fishery.

I am instructed to notify to your Lordship the adoption by the French authorities of this prohibition, which will be put in force from the commencement of the fishing season, now about to open.

My Government trusts that the notification now made will have the effect of causing the British authorities to adopt, without delay, similar arrangements as regards their subjects. They have always considered that the Treaties guaranteed to the French an exclusive right of fishing in the waters of Newfoundland reserved for their use. If they have not always demanded a strict execution of those Treaties, it has been on the understanding that at least the English fishermen should not hinder their exercise by their interference. The traps, however, constitute real barriers, detaining the codfish at the mouths of the harbours, and preventing them from entering the bays. It is on this ground that the Commander of the French Naval Division in Newfoundland found himself compelled last year to confiscate the traps belonging to certain English fishermen. If subsequently the engines in question were returned to the British naval authorites, this proceeding, as I had the honour to explain to your Lordship's predecessor, was a pure act of courtesy.

But my Government is persuaded that discussion on this point is unnecessary in the actual circumstances, and that Her Majesty's Government, in view of the prohibition issued as regards French fishermen, will hasten to issue a similar one applicable to their countrymen in that portion of the Newfoundland waters reserved for the use French fishermen.

I shall be obliged to your Lordship for a reply on this point as soon as possible.

I have, &c.
(Signed) L. D'AUBIGNY.

No. 50.

The Marquis of Salisbury to Count d'Aubigny.

M. le Chargé d'Affaires, *Foreign Office, April* 29, 1887.

I HAVE the honour to acknowledge the receipt of your note of the 20th instant, in which you acquainted me that your Government have forbidden the use of cod-traps by French fishermen in Newfoundland waters. You further state that this prohibition will be enforced during the fishery season which has just opened, and you express the hope of your Government that in view of the step thus taken Her Majesty's Government will adopt similar measures as respects the use of such traps by British subjects within the waters of Newfoundland "reserved to French fishermen."

I beg to inform you, in reply, that your letter will be duly considered by the authorities of this country and of Newfoundland. But I feel bound at the same time to add that Her Majesty's Government have never assented to, and cannot admit as justified by the proper interpretation of the Treaties between France and this country, the view which you state is held by your Government, that the French fishermen are entitled "to the exclusive right of fishing in the waters of Newfoundland which are reserved to them."

On that point I beg to refer you more particularly to the note to his Excellency M. Waddington of the 24th July last, in which it is pointed out that it is stipulated by the Declaration of Versailles that the old methods of fishery "shall not be deviated from by either party," a provision quite inconsistent with the alleged right of exclusive fishery.

I have, &c.
(Signed) SALISBURY.

No. 51.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 29, 1887.

I AM directed by the Marquis of Salisbury to transmit to you herewith copy of a note from the French Chargé d'Affaires,* requesting that in view of a decision which has been come to by the French Government to prohibit the use of cod-traps by French citizens in Newfoundland waters, and which will be enforced during the season just opened, Her Majesty's Government will adopt similar measures as regards the employment of such traps by British subjects in the waters of Newfoundland "reserved to French fishermen."

Lord Salisbury is strongly disposed to think that the use of cod-traps is calculated to inflict injury upon the interests of all parties concerned in the Newfoundland fisheries, and I am accordingly to request that you will move Secretary Sir H. Holland to again urge upon the Government of Newfoundland the expediency of losing no time in taking measures for its suppression.

A copy of the reply which has been returned to Count d'Aubigny's note is annexed for Sir H. Holland's information.†

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 52.

Colonial Office to Foreign Office.—(Received May 2.)

Sir, *Downing Street, April* 30, 1887.

I AM directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, with reference to previous correspondence, copy of a despatch from the Governor-General of Canada, inclosing a Minute by his Ministers, setting forth their objections to the Bait Bill recently passed by the Legislature of Newfoundland.

I am also to inclose copies of letters from Sir R. Thorburn and Sir A. Shea, who have been delegated by the Legislature of Newfoundland to make representations to Her Majesty's Government on the subject of the Bait Bill, together with a Memorandum received from Sir A. Campbell, one of the Delegates from Canada to the Colonial Conference.

Sir H. Holland is of opinion that the explanations given by Sir A. Shea, if expressed in a declaration such as is suggested by Sir A. Campbell, will render unnecessary any amendment of the Bill, and he would now propose, with Lord Salisbury's concurrence, to inform the Newfoundland Delegates that it will receive Her Majesty's sanction.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 52.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, April* 12, 1887.

I HAVE the honour to inclose herewith a certified copy of a Minute of the Privy Council of Canada, in which the attention of Her Majesty's Government is invited to the objections felt by my Government to an Act of the Legislature of Newfoundland, "for regulating the Exportation of Herring, Capelin, Squid, and other Bait Fishes," which Act now awaits Her Majesty's assent.

From the language of your despatch to the Governor of Newfoundland dated the 3rd February, 1887,‡ I inferred that it was not your intention to advise Her Majesty to assent to this Bill until the further evidence for which you have asked upon certain points had been given, and that during the current year, at all events, the Law would probably remain unchanged. In compliance, however, with the request of my Ministers, I telegraphed to you on the 8th instant begging that Her Majesty might not be advised to

* No. 49. † No 50. ‡ No. 42.

signify her assent until I had had an opportunity of laying before you a statement of the manner in which the proposed measure would affect the interests of the Dominion.

It does not appear upon the face of the despatch addressed by Sir G. W. Des Vœux to you on the 14th January that the steps proposed to be taken by the Government of Newfoundland under this Bill were directed against any but French or American fishermen. It is, however, clear from the statement made by the Attorney-General in the Newfoundland Legislature on the 2nd March that it was the intention of the framers of the Bill that it should apply to Canadian fishermen, and there can, I think, be no doubt that, as pointed out in the Reports furnished by my Ministers of Marine and Fisheries and of Justice, the legislation proposed would involve a serious curtailment of the rights not only of these but of all British fishermen (except those of Newfoundland) resorting, or who might desire to resort, to the coasts of that Colony either for the purpose of fishing or for that of supplying themselves with bait.

The proposed enactments to which most exception is taken by my Government are, you will observe:—

1. The exclusion from the advantages of the bait trade of all persons not holding a special licence from the Newfoundland Government, a restriction which, as pointed out by the Ministers of Marine and Fisheries, may have the effect of seriously impeding Canadian fishermen in the pursuit of this business.

2. The procedure to be resorted to in cases where it was believed that there had been an infraction of the proposed Law; the most objectionable provisions of the Bill in this respect being those under which a private prosecutor is given a direct interest in preferring charges, even where such charges cannot be sustained by evidence, against vessels alleged to have violated the Act, and those giving jurisdiction in the case of offences under the Act to a Stipendiary Magistrate instead of to a Vice-Admiralty Court.

3. The application of the provisions of the Bill to the sale or purchase of bait fishes "from, on, or near any parts of this Colony or its dependencies." These words, to the vagueness of which attention is called in the Minister's Report, appear to have been deliberately inserted in the Bill, as I observe that it is stated in paragraph 21 of Sir G. W. Des Vœux's despatch already referred to that these fishes are principally obtained "from the territorial waters of Newfoundland or in the immediate neighbourhood."

I observe in paragraphs 28 and 29 of the same despatch that Sir G. Des Vœux refers to the Canadian Act entitled "An Act for amending the Act respecting Fishing by Foreign Vessels," recently assented to by Her Majesty, and adds that the object of that Act "will to a large extent fail to be secured if the similar measure of this Colony should not be in force, as it is not impossible that the Americans could afford to disregard the prohibition of the bait supply on the Canadian coast if they were assured of being able to procure all they required on the coast of Newfoundland." Sir George assumes upon the strength of this statement that the interests of Canada and of Newfoundland are "to this extent identical," and that any further delay in the allowance of the Bill would "give rise to strong pressure on the part of the Canadian Government."

The above observations will be sufficient to show that any loss which might be sustained by the fishermen of the Dominion in consequence of a continuation of the facilities now offered to foreign fishermen for obtaining bait in the territorial waters of Newfoundland would be more than neutralized by the injury which Canadian interests would sustain were the Bill under consideration to become law.

In the opinion of my Government the Bill should, if it be allowed to come into operation, apply only to foreign vessels, and not to those of Great Britain or the British Colonies.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 52.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 11th April, 1887.

THE Committee of the Privy Council have had their attention called to the Reserved Bill passed by the Legislature of Newfoundland on the 21st February last, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and now before Her Majesty's Government for the Royal Assent.

The Minister of Marine and Fisheries, to whom the said Bill was referred for report as to its effect on Canadian fisheries, submits the following Report thereon :—

The first section of the Bill is as follows :

No person shall—

"1. Export, or cause or procure to be exported, or assist in the exportation of; or

"2. Haul, catch, purchase, or sell for the purpose of exportation ; or

"3. Sell, or purchase for the purpose of sale, any herring, capelin, squid, or other bait fishes from, on, or near any parts of this Colony or of its dependencies, or from or in any of the bays, harbours, or other places therein, without a special licence in writing obtained from the Receiver-General of this Colony, which licence may be in the form set forth in the Schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted."

Any person found hauling, catching, taking, shipping, or conveying any of the said fishes within the limits set forth, or having them in possession, may be examined on oath by a Justice of the Peace, officer of Customs, Fishery Warden, or person commissioned for the purpose, as to whether the fish are intended for exportation or sale. If he refuses to answer, or answers untruly, or fails to produce a licence, the vessel may be seized, with tackle and outfit, and brought before any Stipendiary Magistrate, and the person shall be guilty of an offence against the Act.

The licence provided for in the Act is to be issued yearly.

The following are the penalties :—

First violation : a fine not exceeding 1,000 dollars, and, in default, imprisonment not exceeding six months.

Second or subsequent offence : imprisonment not exceeding twelve months. Offenders are tried and fines recovered in a summary manner before a Stipendiary Magistrate by any person who may sue for the same. Half the fine goes to the prosecutor and half to the Receiver-General. The unsuccessful prosecutor in any case is paid his reasonable expenses, and fair compensation for the time and labour expended in such prosecution. An appeal can be had from conviction of the Magistrate's Court to the next sitting of the Supreme Court.

In addition to the penalties above mentioned, the vessel belonging to or used by the offender, with all outfit, tackle, &c., is liable to be forfeited and sold at public auction.

The Act comes into force when the Officer administering the Government notifies by Proclamation that it is Her Majesty's pleasure not to disallow the Bill.

The Bill, if it becomes law, will, to a large extent, affect British and Canadian fishing interests.

1. Our fishermen upon the Grand Banks will be cut off from their free supply of bait either by purchase or catch.

2. Our fishermen upon the coast of Labrador will be debarred from the privilege of free catch of herring and their hitherto untrammelled trading in herring.

3. Whatever trade is now done by Canadian vessels in herring or bait fishes upon the Newfoundland coast will be no longer left free.

In all these cases Canadian fishermen or merchants will be obliged to take a licence from the Newfoundland Government. The conditions on which these licences are to be given are not stated, nor is it known whether any licence will be issued. In any case they, if issued, are to be issued yearly.

It will be apparent, therefore, that Canadian fishermen run the risk of being entirely debarred from the Newfoundland coasts so far as taking or dealing in herring and other bait fishes is concerned, and if licences are granted to them, will be put to great delay and some probable cost of obtaining them.

Any Canadian vessel, even with licence, will be in danger of being brought before a Stipendiary Magistrate, and, if innocence is not satisfactorily proven, may be seized and, upon conviction, confiscated.

Before such conviction could have been reviewed by the Supreme Court, the venture for the season would be broken up.

It is to be borne in mind that while this would be the condition of things as regards Canadian fishermen and traders on Newfoundland coasts, Newfoundland fishermen and traders on the Canadian coasts would have free right to catch, purchase, and trade in all kinds of fish.

The copies of telegrams annexed indicate the extent to which Canadian vessels rely on procuring bait in Newfoundland for carrying on their operations. It will also be observed that the purchase of herring on the south and west sides of Newfoundland, and on the Labrador shore, forms a part of the business of these vessels.

It is estimated that at least 300 vessels engaged in the Bank and Labrador fisheries received the fishing bounty in 1885.

Of 121 vessels hailing from Lunenburg, Nova Scotia, which have filed claims for bounty in 1886, 85, measuring 7,314 tons, are known to have been engaged in this fishery.

It is further to be observed that, in the event of the proposed Bill becoming law, British and Canadian fishermen will be placed at a disadvantage as compared with United States' fishermen on those portions of the coasts of Newfoundland and its dependencies on which, by the Convention of 1818, United States' fishermen were granted the liberty of taking fish.

The following are the copies of telegrams above alluded to :—

"*Mr. Tilton to Mr. Kaulbach.*

"*Ottawa, March* 30, 1887.

"Please say to what extent Nova Scotia fishing-vessels fishing on Banks and the coasts of Labrador are dependent upon getting bait in Newfoundland, and if this privilege is indispensable to their business ; also, whether the purchase or catching of herring, either by trading or fishing vessels, in Newfoundland, or on Newfoundland's part of the coast of Labrador, is carried on to any considerable extent."

"*Mr. Kaulbach to Mr. Tilton.*

"*Lunenburg, March* 31, 1887.

"Privilege of purchasing bait on south side of Newfoundland absolutely indispensable to success of Nova Scotia fishermen ; greater part of season on Grand Banks.

"Our vessels to Labrador get bait on that shore, but this business not nearly so extensive as formerly, owing to partial failure of cod.

"Both trading and fishing for herring is carried on to considerable extent by Nova Scotia vessels on south and west sides of Newfoundland, also Labrador shore in latter part of season and early winter."

The Minister of Justice, to whom the Report of the Minister of Marine and Fisheries was referred, concurs in the views therein expressed, and submits the following additional observations :—

It seems desirable that the attention of Her Majesty's Government should be called to some of the very unusual provisions of this Bill. The prohibition in reference to purchasing bait extends to all places "on or near any parts of the Colony of Newfoundland and its dependencies." This really gives no limit to the extent of the enactments capable of being defined, and, inasmuch as a violation of the provisions of the Bill is to be followed by very heavy penalties, he, the Minister of Justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

The Bill gives extraordinary jurisdiction to Stipendiary Magistrates. The most stringent Acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the Vice-Admiralty Courts.

The Stipendary Magistrates' Courts are inferior Tribunals, without any regular legal procedure, and presided over by persons who are not necessarily possessed of legal qualifications.

The Bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction, half of the fine goes to the prosecutor ; on acquittal, the prosecutor is still to be rewarded, so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

It is to be observed that the appeal which is to be given from the Stipendiary Magistrates' decisions is of little advantage, as the fishing season would probably be passed, and a captured vessel be rendered comparatively useless, before the termination of the appeal.

The Committee concur in the views above set forth, and they advise that a remonstrance against the Royal Assent being given to this Bill be forwarded by telegraph and despatch to Her Majesty's Principal Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 52.

Sir R. Thorburn to Colonial Office.

Sir, 4, *Princes Street, Hanover Square, April* 27, 1887.

I BEG to acknowledge receipt of your communication of to-day's date, covering copy of a despatch from the Government of the Dominion of Canada of the 12th April, embodying a Minute of the Privy Council, setting forth certain objections to the Newfoundland Bait Act, and asking Her Majesty's Government to delay giving assent to that measure until an opportunity had been afforded the Government of Canada of expressing an opinion on its assumed interpretation of the Act.

I feel constrained to say that such opinion is at entire variance with the spirit and intention of the Act, and feeling certain that such is the case, I waive consideration of the question how far the Government of Canada, or indeed any other Government save that of Her Majesty, has any right to interfere in a question which involves the right of the Legislature of Newfoundland to make such Laws as it may deem proper for the regulation of its own internal affairs, and the conservation of its property, rights which are not affected by Treaty obligations, nor in their operation under the proposed Act interfering differentially with the privileges of any portion of Her Majesty's subjects.

I append copies of cable despatches already sent to our own Provincial Government and that of the Dominion, which I venture to say very clearly define the intention and scope of the proposed legislation, and I reiterate the assertion that by no manner of construction, implied or otherwise, can the Act be construed to affect, in a differential manner, the fishermen of any British possession, but it will, I submit, be readily conceded that the Colony of Newfoundland has a perfect right to enact such local Regulations as may be deemed necessary for the efficient management of its inshore fisheries, and to which the fishermen of all parts of Her Majesty's dominions must be amenable in like manner as are the inhabitants of the Colony.

To illustrate the case more forcibly, the fishermen of Newfoundland when participating in the fisheries of the Dominion (a matter of frequent occurrence) must and do conform to the local Regulations governing the same, and it would be presumption on their part to argue that any other course be pursued.

Why, then, should Canada assume the right of interference with similar Regulations in a sister Colony over which she exercises no jurisdiction?

I respectfully submit that the objections raised are entirely untenable, and cannot be founded on grounds other than an entire misconception of the scope and intentions of the measure, which, so far from prejudicially affecting the interests of Canadian fishermen, must materially assist the success of their operations in curtailing the competition of foreign fishermen, firstly, in procuring the essential supply of bait; and, secondly, in diminishing the quantity of bounty-produced fish, the depressing influence of which in foreign markets has been experienced by Dominion fishermen as well as by those of Newfoundland.

No difficulty will arise in procuring the licence required by the Act, as it cannot be supposed that Regulations will be imposed that would hamper the operations of our own fishermen in an equal, if not greater, degree than those of our neighbours, and provision will be made on all parts of the coast of Newfoundland for the issue of licences.

The objections taken to the mode of procedure in cases of violation of the Act I do not propose to discuss further than to say that here again the penalties are of general application, and the Dominion Government cannot reasonably object to a penalty that will fall with equal severity on our own citizens.

The inference drawn by Sir G. W. Des Vœux, in his despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in the Dominion, seems a perfectly correct conclusion, and serves practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply giving them a vantage-ground over their bounty-sustained rivals.

No importance need be attached to the point raised as to the application of the Bait Act to the coast of Labrador, as that coast is not frequented by fishermen trading in bait, and there is, therefore, no necessity for interference with fishing operations outside of the scope of the Act.

I have not seen the question nor answer of the Attorney-General of Newfoundland as

to the application of the Bait Bill to Canadian fishermen, but I am certain his answer, however construed, could only apply in the manner I have indicated.

I have, &c.

(Signed) ROBERT THORBURN,
Premier, Newfoundland.

Inclosure 4 in No. 52.

Sir R. Thorburn to the Attorney-General of Newfoundland.

(Telegraphic.) *St. John's, April* 20, 1887.

CANADIAN Government evidently misunderstand scope and intention of our Bait Act. Assure them promptly, by telegraph, that their fishermen will enjoy equal privileges with our own, and that practically there will be no restrictions on bait supply of any British subjects.

Inclosure 5 in No. 52.

Sir R. Thorburn and Sir A. Shea to Sir C. Tupper.

(Telegraphic.) *April* 29, 1887.

YOUR fishermen are on same footing as ours under Bait Bill, and no practical impediment in way of either. Our Government will give any required guarantee that this is our reading of the Act. Advise Colonial Office soon as possible that this explanation is satisfactory.

Inclosure 6 in No. 52.

Sir A. Shea to Colonial Office.

Sir, 4, *Princes Street, Hanover Square, April* 27, 1887.

I HAVE the honour to acknowledge receipt of your letter of this date, inclosing copy of a despatch from the Governor-General and Minute of Council of Dominion Government, objecting to the confirmation of the Newfoundland Bait Bill by Her Majesty's Government.

This Act was passed to protect the bait fisheries on the Newfoundland coast against the use by foreigners whose bounty-assisted operations have been disastrous to British interests. The measure embraces the rights of all British fishermen, and regards them in the same light in every respect. Canadian fishermen, in common with our own, are seriously affected by the bounty-assisted rivalry of foreigners, and must in a corresponding degree be benefited by our Conservative legislation.

The working clauses of the Act are such as local knowledge only could have wisely devised for its effective execution, and I may observe that they were adopted mainly by regard to their application to the limited number of our own people, by whom it was thought the chief efforts might be made to infringe on its provisions.

I feel the Dominion Government has no real ground for its opposition, from which it will at once recede when authorized assurances are given that in carrying out the Law no supposed ambiguity in its terms will be allowed to operate to the prejudice of Canadian fishermen, with whom we have common rights on the coast of the Dominion.

It must, I submit, be manifest that the course taken by the Dominion Government has arisen from a complete misapprehension of the views and purposes of the Newfoundland Legislature, and while I should regret if they could be justified in their conclusion of such unfriendly legislation, I feel Her Majesty's Government will be satisfied that such impressions are unfounded, and, moreover, are fully explained away by our statement of the aims of the Act, and its assured uniform application to all British subjects. I do not think it necessary to consider the objections in detail, but I would observe that the exception taken to the "immediate neighbourhood" to be included for the purposes of the Law is answered by the fact that the Law cannot operate outside the jurisdiction of the Government of Newfoundland, and that the terms "immediate neighbourhood" must be construed as being within this limitation.

I have, &c.

(Signed) A. SHEA.

Inclosure 7 in No. 52.

Memorandum.

I HAVE read the despatch of the Marquis of Lansdowne, dated Government House, Ottawa, Canada, the 12th April, 1887.

The Newfoundland Bill is open to the objections which are taken in the despatch and its inclosures, particularly when read in connection with the explanation said to have been used in the Legislature of Newfoundland by the Attorney-General of the island.

The object of the Bill, as avowed by the Delegates from Newfoundland, is not that which the Canadian Government has apprehended.

Sir Robert Thorburn and Sir Ambrose Shea affirm that the Bill was intended exclusively against foreign fishermen (French). Upon that assumption the enactments which are criticized in Lord Lansdowne's despatch and the inclosures would not have seemed formidable, in my opinion, to the Canadian Government. There would, perhaps, have been embarassment, in Newfoundland, in framing the Bill to give effect to the intentions with which the Delegates say it was passed; but why, then, did the Attorney-General of Newfoundland give the interpretation of it which is referred to in Lord Lansdowne's despatch?

It will be impossible for the Legislature of Newfoundland, which is understood to be not now sitting, to alter the language of the Bill, but perhaps it might be done at another Session by that Legislature.

In the meantime, I should think that an official declaration from Newfoundland (which should, I think, rather be addressed to the Secretary of State for the Colonies than to the Canadian Government), stating that licences under the Act would issue to Her Majesty's subjects in Canada and elsewhere, on the same terms as to those residing in Newfoundland, should be sufficient to induce the withdrawal by the Government of Canada of the protest contained in Lord Lansdowne's despatch.

The penalties mentioned in the Bill, and other features objected to by the Canadian Government, strike me as matters over which the Legislature of Newfoundland had control, and may have been considered by them necessary to remedy an evil which, they assert, is ruining the Colony.

I have not heard from the Canadian Government on the subject, and have no authority from them, but have simply indicated my own opinion.

(Signed) A. CAMPBELL.

Brown's Hotel, Dover Street, London,
April 29, 1887.

No. 53.

Colonial Office to Foreign Office.—(Received May 7.)

Sir, *Downing Street, May* 6, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, reporting the course which the Government of Newfoundland have decided to adopt with regard to the lobster factories and the use of cod-traps on that part of the coast of that Colony where the French have fishery rights.

With reference to the concluding paragraph of the Governor's despatch respecting the prohibition of lobster fishing in Bonne Bay, under a Proclamation issued in August last, I am to request you to refer Lord Salisbury to the letter from this Department of the 12th February last. His Lordship will observe that the Governor has now received from his Minister the formal assurance that this prohibition will not be enforced against French subjects.

With regard to Sir William Des Vœux's remark in paragraph 3 of his despatch, to the effect that Her Majesty's Government regard lobster factories as a contravention of the Treaty of Utrecht, I am to state that Sir Henry Holland proposes, with Lord Salisbury's concurrence, to point out to the Officer administering the Government that these British establishments are not regarded by Her Majesty's Government as a contravention of that Treaty, but of the Declaration attached to the Treaty of Versailles of 1783.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 53.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, March* 19, 1887.

IN reply to your despatch of the 11th February, 1887,* and referring to previous correspondence on the subject of the presence of lobster factories and the use of cod-traps on that part of the coast of this island where the French have fishery rights, I have the honour to report as follows:—

2. At an Executive Council held to-day my Ministers informed me that they are not prepared to take Legislative or Executive action, either for the removal of the lobster factories complained of by the French Government or for the prohibition of the use of cod-traps on the coast in question; and that, moreover, they do not see their way to make further use of the existing Act to prohibit the lobster fishery on that portion of the coast.

3. They will, however, at once notify to the persons concerned that, as Her Majesty's Government concurs with the French Government in regarding the presence of lobster factories on the coast in question as a contravention of the Treaty of Utrecht, it may be expected that measures will be taken for closing and removing them, and under such circumstances the owners will not be entitled to compensation.

4. The Government will also give a similar notice with regard to cod-traps, to the effect that their use on the coast in question will render them liable to seizure or destruction.

5. I mentioned that, as regards cod-traps, there was lately an intention of prohibiting them throughout the island in the interest of our own fishermen, when I was informed in reply that a Bill for this purpose failed to pass the Legislature last Session, and that there was this year no change of feeling in its favour, but rather the reverse. Moreover, any notion that one of the reasons for such a measure had reference to French fishing rights could only serve to increase the opposition to it.

6. On my pointing out the various obvious reasons against a passive policy such as that described, especially that it would necessitate the use of force, either by our own or by French ships of war, suggesting at the same time the expediency of action such as would constitute these contraventions of the Treaty as breaches of the local law, I was in every case met with the reply that any more active policy than that indicated would be impracticable, inasmuch as it would certainly be condemned by the Legislature, and would be even less likely to be approved by the constituencies.

7. At the same meeting of Council I received the formal assurance, required in your despatch of the 12th February, 1887, that the prohibition of lobster fishery in Bonne Bay by the Proclamation of the 9th August, 1886, will not be enforced against French subjects. The Proclamation in question was issued at the request of the British inhabitants of the coast with reference to factories established or contemplated by British subjects, and there never was any intention of making it applicable to French subjects.

I have, &c.

(Signed) G. WILLIAM DES VŒUX.

No. 54.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 7, 1887.

I HAVE laid before the Marquis of Salisbury your letter of the 30th ultimo, forwarding copies of communications received from the Governor-General of Canada, from the Newfoundland Delegate to the Colonial Conference, and from Sir A. Campbell, one of the Delegates from Canada, relative to the Bait Bill recently passed by the Legislature of Newfoundland, and stating that Sir H. Holland proposes to inform the Newfoundland Delegates that the Act in question will receive Her Majesty's sanction; and I am now directed by his Lordship to request you to inform Sir H. Holland that he concurs in the proposed communication to Sir R. Thorburn and Sir A. Shea.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

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* No. 43.

No. 55.

The Marquis of Salisbury to M. Waddington.

(Extract.) *Foreign Office, May* 19, 1887.

THE Arrangement signed at Paris on the 14th November, 1885, was signed subject to the approval of the British and French Governments, and it was fully understood that the final approval of Her Majesty's Government could only be given on the acceptance of the Arrangement by the Legislature of Newfoundland.

No. 56.

Colonial Office to Foreign Office.—(Received May 20.)

Sir, *Downing Street, May* 19, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of a copy of a note from the French Chargé d'Affaires,* requesting that, in view of a decision which has been come to by the French Government to prohibit the use of cod-traps by French citizens in Newfoundland waters, and which will be enforced during the season just opened, Her Majesty's Government will adopt similar measures as regards the employment of such traps by British subjects in the waters of Newfoundland reserved to French fishermen. From the despatch from the Governor of Newfoundland, of which a copy accompanied the letter from this Department of the 6th instant, Lord Salisbury will have learnt the course which the Newfoundland Government propose to take with regard to the use of cod-traps by British fishermen. Sir H. Holland is, however, of opinion that now that Her Majesty's Government have announced that Her Majesty will not be advised to disallow the Bait Bill, they are fairly entitled to press for the discontinuance of cod-traps by British subjects in the waters where French fishermen have a right to fish, without interruption on the part of the British, upon the French taking a like step.

Should Lord Salisbury concur, Sir Henry Holland will press the adoption of this course upon the Colonial Government, pointing out that every effort should now be made to avoid disputes with the French in the waters in question.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 57.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 23, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 6th instant, inclosing copy of a despatch from the Governor of Newfoundland, reporting the course that his Government have decided to adopt in regard to the lobster factories, and the use of cod-traps on that part of the coast of the Colony where the French have fishery rights.

I am to request you to state to Secretary Sir H. Holland that his Lordship concurs in the proposal to point out to the Officer administering the Government of Newfoundland that British lobster factories are not regarded by Her Majesty's Government as a contravention of the Treaty of Utrecht, but of the Declaration attached to the Treaty of Versailles of 1783.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 58.

Sir H. Holland to Administrator Sir F. Carter.

Sir, *Downing Street, May* 23, 1887.

HER Majesty's Government have had under their careful consideration your despatch of the 21st February, forwarding copies of a Bill entitled "An Act to regulate

* No. 49.

the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," which was passed by both Houses of the Legislature on the commencement of the present Session.

2. They have also had before them the Address from the House of Assembly on the subject of this Bill, which was duly presented to me by Sir R. Thorburn and Sir A. Shea, who were delegated by the House of Assembly to make representations to Her Majesty's Government on this matter.

3. In my despatch of the 3rd February I fully explained to you the reasons for which Her Majesty's Government had felt it necessary to refrain from submitting the Bill for Her Majesty's confirmation. I regret to observe, however, that the main reason appears to have been misapprehended by the House of Assembly, though I was careful to make it clear that the special loss which the introduction of new restrictions, without due notice and on the eve of the fishing season, would cause to French fishermen, was the consideration which principally precluded Her Majesty's Government from consenting to the imposition of these restrictions at the present time.

4. In suggesting that further communication with the French Government might lead to the discovery of a remedy for the present depression in the Newfoundland fishery trade in some other direction than in that of the prohibition of the sale of bait, Her Majesty's Government had in fact followed a suggestion made by the Colonial Legislature, which had itself referred to another solution (the modification of the French bounties) as likely to remove all need for restriction on the sale of bait.

5. I may also point out that, although the damage to the colonial fisheries is stated to have been going on for some period "within three years," the Bait Clause in the Arrangement of 1884 was not objected to by the Government of Newfoundland when stating the modifications which they desired to be made in the Arrangement in the Minute of Council of the 15th July in that year.

6. But although the Address of the House of Assembly has appeared to Her Majesty's Government to require the foregoing observations, they have not failed to give their best attention to the strong representations contained in it, and to the further important facts which have since been brought before them as to the operation of the French bounties, and they have felt it their duty to give effect to the reiterated expression of the wishes of the Legislature and Government of Newfoundland. They have accordingly advised Her Majesty to sanction the Act, and an Order in Council for the purpose will be forwarded to you by an early opportunity.

7. I have, however, desired you, by telegraph, not to issue any Proclamation under section 12 for bringing the Act into force until after the close of the present fishing season.

8. You will be so good as to apprise the Members of the Legislature of the decision which has been arrived at in reply to their Address.

I have, &c.
(Signed) H. T. HOLLAND.

No. 59.

Sir H. Holland to Administrator Sir F. Carter.

Sir, *Downing Street, July* 4, 1887.

I HAVE the honour to acknowledge the receipt of Sir G. W. Des Vœux's despatch of the 19th March,* reporting the course which the Government of Newfoundland had decided to adopt with regard to the lobster factories and the use of cod-traps on that part of the coast where the French have fishery rights.

With regard to Sir William Des Vœux's remark in paragraph 3 of his despatch to the effect that Her Majesty's Government regard lobster factories as a contravention of the Treaty of Utrecht, I beg to point out to you that these British establishments are not regarded by Her Majesty's Government as a contravention of that Treaty, but of the Declaration attached to the Treaty of Versailles of 1783.

I have, &c.
(Signed) H. T. HOLLAND.

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* Inclosure in No. 53.

No. 60.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 5, 1887.

WITH reference to Count d'Aubigny's letter of the 20th September last, in regard to the prohibition by the Newfoundland Government of fishing for lobsters in Bonne Bay, I have the honour to acquaint your Excellency that a despatch has been received from the Governor of that Colony in which he states that his Government have given a formal assurance that the prohibition will not be enforced against French citizens to whom there had not been any intention of applying it.

I have, &c.
(Signed) SALISBURY.

No. 61.

M. Waddington to the Marquis of Salisbury.—(*Received July* 6.)

M. le Marquis, *Londres, le* 5 *Juillet,* 1887.

PAR une note en date du 20 Avril dernier j'ai eu l'honneur de porter à votre connaissance la décision prise par le Gouvernement de la République interdisant l'usage des trappes aux pêcheurs Français sur les côtes de Terre-Neuve, et en même temps je vous demandais que le Gouvernement de Sa Majesté Britannique adoptât vis-à-vis de ses nationaux des dispositions analogues.

Le 29 Avril votre Seigneurie m'a répondu que ma demande allait être examinée par les autorités compétentes; mais vous ne m'avez pas encore fait connaître le résultat de cet examen.

Cependant, la pêche de la morue est aujourd'hui en pleine activité, et il importe beaucoup à nos pêcheurs de savoir si le Gouvernement de Sa Majesté a l'intention d'interdire définitivement, comme nous l'avons fait nous-mêmes, ces engins destructeurs, qui empêchent toute pêche normale et régulière.

J'espère donc que votre Seigneurie sera bientôt en mesure de me communiquer la décision à laquelle se sera arrêté le Gouvernement de Sa Majesté Britannique.

En même temps, je suis chargé par M. Flourens de saisir votre Seigneurie d'une demande d'indemnités formulée par MM. Besnier et Dupuis-Robial, armateurs Français, contre le Gouvernement de Sa Majesté Britannique, à raison du tort que leur ont causé, pendant la dernière campagne de pêche, les pratiques des pêcheurs Anglais et l'insuffisance des mesures prises par les autorités Anglaises pour les prémunir contre cette concurrence.

En fait, le préjudice grave causé aux armateurs Français résulte principalement de l'emploi des trappes par les pêcheurs Anglais, emploi que les croiseurs Anglais, malgré leur activité et leur bonne volonté, sont impuissants à arrêter.

En droit, la responsabilité du Gouvernement de Sa Majesté est engagée par la Déclaration du Roi George III, en date du 3 Septembre, 1783, portant que :—

"Sa Majesté Britannique prendra les mesures les plus positives pour empêcher que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

Pour que votre Seigneurie puisse s'éclairer complètement sur les faits allégués par les armateurs Français, et sur la responsabilité qui incombe au Gouvernement de Sa Majesté, j'ai l'honneur de lui transmettre les conclusions de M. le Capitaine de Vaisseau Le Clerc, Commissaire-Enquêteur.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 5, 1887.

BY a note dated the 20th April last, I had the honour to bring to your knowledge the decision of the Government of the Republic, forbidding French fishermen to use traps on the Newfoundland coasts, and, at the same time, I requested that Her Britannic Majesty's Government should adopt similar measures towards their subjects.

Your Lordship replied on the 29th April that my request would be examined by the competent authorities; but you have not yet acquainted me with the result of this examination.

The cod fishery is at present, however, in full activity, and it is very important that our fishermen should know whether Her Majesty's Government intend to definitely prohibit, as we have ourselves done, these destructive engines, which stop all ordinary and regular fishery.

I therefore trust your Lordship will soon be in a position to communicate to me the decision at which Her Majesty's Government may have arrived.

At the same time, I am instructed by M. Flourens to approach your Lordship on the subject of a claim for indemnity put forward by MM. Besnier and Dupuis-Robial, French ship-owners, against Her Majesty's Government, on account of injury caused them during the last fishing season by the practices of English fishermen, and the insufficiency of the measures taken by the English authorities to guard them against this competition.

In fact, the serious harm done to the French ship-owners results principally from the employment of traps by the English fishermen, which the English cruizers, notwithstanding their activity and good will, are powerless to prevent.

By right, the responsibility of Her Majesty's Government rests on a Declaration of King George III, dated the 3rd September, 1783, laying down that—

"His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland."

In order that your Excellency may completely verify the facts alleged by the French ship-owners, and the responsibility devolving on Her Majesty's Government, I have the honour to transmit the views of Captain Le Clerc, Commissioner of Inquiry.

I have, &c.

(Signed) WADDINGTON.

Inclosure in No. 61.

Le Capitaine de Vaisseau Le Clerc, Commandant le Cuirassé d'Escadre "l'Indomptable," à M. le Chef du Service de la Marine à Saint-Servan.

A bord de "l'Indomptable," Toulon, le 10 *Février,* 1887.

J'AI l'honneur de vous adresser le complément de l'enquête faite à Saint-Brieuc et à Binic, par ordre du Ministre de la Marine, au sujet du tort causé à nos nationaux établis en pêche au Kirpon pendant les années 1885-86, par des pêcheurs de l'Ile de Terre-Neuve, sujets de Sa Majesté Britannique.

Le complément de cette enquête consiste dans la déposition du Capitaine Domalain, des bricks "Stella Maris" et "Union," appartenant tous deux à M. Besnier, armateur à Binic, lequel, absent de France au moment de mon séjour à Saint-Brieuc, n'a pu être interrogé que le 17 Janvier.

Il est maintenant de mon devoir de résumer cette enquête et d'en tirer des conclusions que les dépositions m'amènent à prendre et aussi de les appuyer de ma connaissance personnelle des faits qui ont pu se produire à la côte de Terre-Neuve pendant la durée du commandement que j'y ai exercé en 1885-86.

Le Ministre de la Marine m'avait déjà fait l'honneur de me consulter sur la valeur d'une réclamation introduite par M. Besnier, armateur à Binic, et j'avais conclu par un avis favorable.

Je n'ai pas cette correspondance qui, vraisemblablement, sera jointe au dossier de cette affaire à Paris. Toutefois, je n'estimais pas à moins de 1,000 quintaux marchands, soit 50,000 kilog. de morue, le tort fait à nos nationaux par les sujets Anglais par suite des empêchements qu'ils mettent au libre exercice de notre pêche et, cela, pour la seule année 1886.

Il va de soi que le même tort s'appliquait aux opérations de M. Dupuis-Robial, armateur du "Sans-Souci," et aussi établi en pêche au Kirpon.

Au cours de l'enquête, il m'a paru naturel de chercher à établir également les pertes qu'ont pu faire nos nationaux pendant l'année 1885, époque à laquelle j'exerçais le commandement de la division navale de Terre-Neuve.

Je n'ai pas cru devoir remonter au delà, parce que je n'aurais pu avoir aucun contrôle sur les dépositions des pêcheurs interrogés; mais il n'est pas moins constant à mes yeux, que si les pêches faites au Kirpon pendant les cinq années du tirage 1881-86 ont été des plus médiocres, il y a lieu d'attribuer ces résultats désastreux à la concurrence faite à nos

pêcheurs, tant par les goélettes nomades expédiées des ports de la côte est de Terre-Neuve que par les résidents eux-mêmes.

Afin de résumer mon enquête avec plus de clarté, je diviserai mon travail en demandes et en réponses :—

1. Les pêcheries du Kirpon ont-elles été ruinées par les sujets de Sa Majesté Britannique ?

Je n'hésite pas à répondre que oui, en grande partie, Les places du Kirpon étaient autrefois les plus recherchées, parce que la morue s'y porte en abondance dans ses migrations à la poursuite du capelan. Elle atterrit par les deux côtes, en venant du Cap Normand par le nord et des Baies du Sud par la côte est. La position particulière du Kirpon, à cheval sur les deux côtes par suite du chenal du Petit Kirpon, en fait donc un lieu éminemment favorable à la pêche, et il n'y a pas de doute pour moi que le tirage de 1881-86 eût fourni une pêche moyenne pour nos nationaux s'il leur avait été loisible de profiter des avantages particuliers de la position géographique de leur place de pêche.

Or, qu'est-il arrivé ? Nos nationaux ayant abandonné les pêcheries qui avoisinent le Cap Normand, les goélettes Anglaises se sont portées en foule au Havre de Cook, dans l'Anse à la Goélette, dans la Baie du Cap Normand elle-même, et y ont tendu leurs trappes. Le premier résultat a été d'arrêter la morue au passage et de l'empêcher, sinon entièrement, au moins en grande partie, de se rendre jusqu'au Kirpon.

L'usage de la trappe et la façon dont elle capture le poisson indique jusqu'à l'évidence que la morue ne se rend pas directement à la côte perpendiculairement à sa direction, mais bien qu'elle en suit les contours dans le sens de son gisement. C'est là un fait bien connu et important à rappeler, et sans lequel les trappes ne seraient pas disposées normalement à la côte.

Maintenant : la morue vient-elle du Cap Normand vers le Kirpon en passant le long des côtes de la Baie du Pistolet et de la grande Baie du Sacre ? Je le crois encore, car ces pêcheries ouvrent plus tard que celles plus au sud de la côte ouest.

Les pêcheries de la côte du Labrador, dans le détroit de Belle-Ile, commencent à prendre de la morue quand déjà celles de Port au Choix, de Cod Roy, &c, ... sont en pleine pêche. Dans l'année 1885 nos pêcheurs de la côte ouest réussissaient assez bien depuis le milieu de Mai, alors que le 19 Juin il n'avait pas encore paru de morue à Forteau, où j'étais mouillé. La côte du Labrador était encore encombrée par la banquise et c'est à ce fait que j'attribuais l'absence du poisson.

Il me semble donc vrai de dire que les trappes du Cap Normand arrêtent au passage le poisson que nos gens attendent vainement au Kirpon.

Voilà pour la côte nord. Le même fait se reproduit pour la côte sud et le poisson est arrêté par les trappes de Saint-Lunaire et des Griguets, avant de pouvoir arriver sur les côtes de la grande île du Kirpon, ou sur la partie de côte située entre l'entrée du Petit Kirpon et la Baie du Nord des Griguets.

Par analogie avec ce qui se passe sur la côte nord, entre le Cap Bauld et le Cap Normand, le courant de morue qui vient du sud pour aller chercher les côtes du Labrador est arrêté en partie au passage, et nos nationaux souffrent à la côte est du Kirpon des mêmes inconvénients qu'ils rencontrent à la côte nord de cette baie. On peut donc dire en réalité que les pêcheries Françaises du Kirpon sont bloquées au nord et au sud par les Anglais.

Mais là ne se borne pas le dommage qui leur est causé.

En effet, les trappes Anglaises occupent les meilleurs endroits où nos seines peuvent déborder et il s'ensuit qne si un pêcheur Français veut aller chercher fortune ailleurs, il ne peut le faire sous peine d'être obligé de seiner aussi la trappe de ses rivaux.

Donc, de toutes les façons, à quelque point de vue que l'on se place, il est parfaitement sûr que les Anglais ruinent nos gens, soit en arrêtant le poisson au passage, soit en empêchant par la présence de leurs engins nos nationaux de le capturer là où il se trouve.

C'est certainement une question importante pour nous d'établir si, oui ou non, les trappes sont des engins destructeurs qui ont ruiné nos pêcheries, mais c'est plutôt une question d'un intérêt général et dont la solution ne change rien aux conclusions de cette enquête, qu'une question particulière intéressant spécialement les armateurs du Kirpon. Pour la résoudre il n'est du reste pas besoin des témoignages de nos nationaux que les Anglais pourraient taxer de partialité, il suffit de s'en remettre au simple témoignage des résidents Anglais eux-mêmes, à ceux-là qui, trop pauvres pour acheter une trappe, gagnent péniblement leur pain à l'aide d'une ligne à main et savent ce que leur coûte le voisinage de ces filets que viennent tendre les goélettes nomades à l'entrée des baies où ils ont établi leurs modestes habitations. Il n'est pas un pauvre résident qui ne m'ait demandé de saisir

ces trappes, de prendre en main leur défense contre leurs propes compatriotes, et de me rappeler le temps où la côte de Terre-Neuve réservée à notre pêche, était l'objet d'une sage et méthodique exploitation. Le mal dont souffre Terre-Neuve s'étend au Labrador et je puis affirmer que les pêcheurs de Porteau m'ont demandé de les débarrasser d'un riche pêcheur de Saint-Jean qui, en tendant vingt trappes entre la côte et l'Ile Woody dans la Baie des Blancs Sablons, avait entièrement ruiné leur plus modeste industrie.

Mais cette question ne saurait nous occuper que subsidiairement, car d'autres causes, qu'il est inutile d'énumérer ici, viennent entrer en ligne de compte en ce qui concerne la ruine de la côte de Terre-Neuve. Il me suffit de constater que le Kirpon est ruiné par la concurrence Anglaise, et de prier de se reporter aux dépositions des maîtres de seine de "l'Union" et du "Sans-Souci." Je puis certifier qu'elles n'ont rien d'exagéré, et il n'y a pas lieu de s'arrêter aux arguments mis en avant par les propriétaires des trappes—arguments consistant à dire que leurs engins de pêche ne sont pas placés dans les baies même où nos pêcheurs sont établis. Cette raison n'a aucune valeur, car si nos pêcheurs se trouvent réduits à pêcher dans un périmètre extrêmement restreint, et non loin du mouillage de leurs navires, c'est précisément parce qu'ils n'osent pas seiner dans les endroits où les sujets Anglais sont en force, et bloquent les débordages.

Les goélettes nomades de la côte est vont d'ailleurs chercher fortune partout ou bon leur semble; elles s'établissent en pêche au milieu de nos gens, et placent leurs trappes là où elles croient avoir le plus de chance de capture du poisson, sans s'inquiéter davantage de la gêne qu'elles apportent à nos opérations. J'en ai compté jusqu'à quarante dans le dégrat du Kirpon, autant dans le Petit Kirpon, menaçant nos pêcheries autant par leur nombre que par leur avidité à s'emparer des meilleurs endroits.

2. Dans quelles conditions nos nationaux doivent-ils pêcher à Terre-Neuve, et quelles sont les obligations que les Traités imposent à l'Angleterre?

Nos nationaux sont établis à Terre-Neuve pendant la saison de pêche, qui dure depuis la fonte des glaces jusqu'aux premières neiges, conformément aux stipulations de l'Article XIII du Traité d'Utrecht. Ces stipulations portent qu'ils ne doivent avoir à terre que les cabanes et échafauds nécessaires et usités pour sécher le poisson, mais rien en dehors de cela ne limite leur action comme pêcheurs. Il s'ensuit donc qu'ils peuvent pêcher partout où bon leur semble, pourvu qu'ils arrêtent l'exercice de leur droit en deça des Caps Saint-Jean et de Raye en passant par le nord. Mais un semblable droit serait presque illusoire s'il n'existait quelque stipulation en venant sanctionner l'exercice.

On comprend combien la protection que peuvent lui donner les croiseurs Français est précaire, si l'on songe que cette protection ne saurait être effective sans l'exercice d'un droit de police sur les nationaux Anglais—droit de police que chaque Gouvernement est jaloux de garder sur ses sujets et peut-être le Gouvernement Britannique plus que tout autre.

La conséquence de cette situation eut été que le droit d'usufruit que possède la France sur la mer qui baigne une partie des côtes de Terre-Neuve serait devenu d'une application presque impossible, si un Article Additionnel n'était venu définir dans quelles conditions de sécurité les Français pouvaient compter pouvoir profiter des dispositions du Traité d'Utrecht.

Cet Article Additionnel n'existe pas dans le Traité, mais la Déclaration du Roi Georges le remplace amplement.

Or, que dit cette Déclaration:—

"*Versailles, le 3 Septembre*, 1783.

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront, non seulement en assurer l'exécution avec la bonne foi et la ponctualité qui lui sont connues, mais de plus donnera, de son côté, toute l'efficacité possible aux principes qui empêcheront jusqu'au *moindre genre* de dispute à l'avenir.

"A cette fin, et pour que les pêcheurs des deux nations ne fassent point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français, pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve; et elle fera retirer à cet effet les établissements sédentaires qui y seront formés. . . . ."

Il en résulte clairement que l'Angleterre s'est engagée à assurer elle-même à nos nationaux le libre exercice des droits que leur confère le Traité d'Utrecht et qu'elle est dans la situation d'un propriétaire qui ne saurait altérer, détruire, ou diminuer de valeur le gage de l'usufruitier sans encourir des responsabilités pécuniaires.

Mieux encore, l'Angleterre s'est constituée le gardien de cet usufruit.

Or, les dépositions de l'enquête établissent surabondamment que nos nationaux sont dans l'impuissance d'en jouir en paix et que les armements qu'ils ont fait sur la foi de la Déclaration du Roi Georges n'ont abouti qu'à la ruine et il ne reste plus pour établir les responsabilités qu'à considérer :

3. Si l'Angleterre a pris les mesures les plus positives pour empêcher ses sujets de troubler nos pêcheurs par leur concurrence.

Il serait injuste de dire que le Gouvernement de Sa Majesté Britannique n'a pris aucune mesure, mais ces mesures n'ont aucun caractère positif. Les croiseurs Anglais font preuve d'une grande activité ; ils sont très bienveillants et courtois pour nos nationaux, mais ils sont absolument impuissants contre les empiètements des pêcheurs Anglais de l'Ile de Terre-Neuve.

Si nous allions, ainsi que nous y autorise la Déclaration du Roi Georges, jusqu'à considérer s'ils ont éloigné les établissements sédentaires qui nous gênent, nous aurions une tâche trop facile pour démontrer qu'il n'en est rien. Mais il n'est pas besoin d'aller jusque-là ; il suffit de considérer ce qui se passe pour leurs pêcheurs au point de vue de la concurrence acharnée qu'ils font aux nôtres.

Sur la plainte des croiseurs Français, ou même sur celle des capitaines-pêcheurs, les Commandants des croiseurs Anglais prient leurs nationaux d'apporter plus de modération dans leur concurrence ; quelquefois ils font appareiller des goélettes qui sont une gêne trop évidente pour nos pêcheurs ; mais on peut dire que les habitants de Terre-Neuve mettent autant de répugnance et de mollesse à satisfaire aux injonctions des croiseurs Anglais qu'ils en mettent à tenir compte des observations des croiseurs Français. Il en résulte que tout se passe en conversation et que nos nationaux n'ont rien obtenu, ni d'un côté ni de l'autre, et qu'alors ils renoncent à se plaindre.

Je dis cela parce qu'il ne faudrait pas arguer de ce que nos pêcheurs ne se plaignent pas pour en conclure qu'ils ne sont pas gênés. Ce serait une grave erreur ; les pêcheurs n'osent pas aller à bord des navires de guerre Anglais, dont ils ne parlent pas la langue, affronter des officiers beaucoup plus haut placés qu'eux dans la hiérarchie sociale ; en plus, ils redoutent les résidents et surtout les équipages des goélettes nomades qui, une fois débarrassés des croiseurs, donnent un libre cours à leurs antipathies nationales. Comment peut-on croire qu'il en puisse être autrement, quand on songe que des gens que l'instruction, l'éducation, et les voyages, auraient dû affranchir des préjugés de race et de religion, apporter souvent dans leurs jugements, dans leurs actes, et dans leur conduite internationale, un esprit de parti et un aveuglement que le sentiment de la justice ne parvient pas à dissiper.

En réalité, les pêcheurs Anglais sont ignorants ou ne tiennent aucun compte des Traités qui lient la France à l'Angleterre, et les croiseurs de leur nation ne les rappellent qu'au prix de grandes difficultés à leur respect. D'un autre côté, les plaintes que leur transmettent les croiseurs Français, quoique écoutées avec le plus grand bon vouloir, restent souvent sans effet, non pas par suite de la mauvaise volonté des Commandants Anglais, mais par suite des retards forcés que subit la transmission de ces plaintes.

Je citerai un exemple pour bien faire comprendre ce que je veux dire.

Le 17 Août, 1885, étant au Kirpon, le croiseur Français "l'Ibis" a reçu les plaintes des Capitaines Domalain du brick Français "Stella Maris ;" Houard, du brick le "Sans-Souci," et enfin du Capitaine Maoucet, de "l'Élisabeth," tous trois établis en pêche dans les environs du Kirpon. Ces navires ne pouvaient pas pêcher par suite de la présence de nombreuses goélettes dont les pirogues encombraient les lieux de pêche. Ces goélettes, priées d'appareiller pour laisser la place à nos nationaux, refusèrent positivement de le faire et de plus, pour éviter que leurs engins de pêche ne fussent saisis, ils les débarquèrent provisoirement à terre. Bien plus, leurs patrons narguèrent le Capitaine de "l'Ibis," le mettant au défi de les faire partir ou de saisir leurs goélettes, ainsi que l'y autorisait l'Article X de la Convention du 26 Avril, 1884.

Cet officier vint me trouver au Croc, et je me rendis au Kirpon d'où la plupart des goélettes étaient parties. Mais le mal était fait et il y avait longtemps que nos pêcheurs étaient gênés, leur pêche compromise, quand j'arrivai pour les débarrasser de leurs encombrants rivaux. Ce n'est que le 7 Septembre que je pus faire parvenir une plainte au Commandant du croiseur le "Fantôme," et l'on comprend du reste qu'elle n'eut aucun effet, les goélettes n'étant plus au Kirpon.

Je pourrais répéter cet exemple à l'infini, car quel respect veut-on que des pêcheurs aient pour une autorité qui n'a aucun pouvoir répressif ?

Les croiseurs Anglais suivent leurs ordres ; ils ne peuvent être rendus responsables de leur inefficacité. Que sert de dire à un pêcheur Anglais : "Allez vous-en un peu plus loin ; vous gênez les pêcheurs Français," si ce pêcheur n'encourt aucune peine pour avoir

causé cette gêne? Il est clair que si la place lui convient, il reviendra dès que le croiseur aura disparu, et c'est ce qui arrive constamment.

En plus, quand les représentants de l'autorité ont disparu, nos pêcheurs sont l'objet des représailles des sujets Anglais; ils sont quelquefois assaillis à coups de pierre, d'autrefois presque assommés comme l'a été Moncet, au Cap d'Oignon, menacés de coups de fusil comme l'a été Domalain dans l'Anse à Clou, et le maître de seine du Capitaine Hamonet à l'écueil de Bréhat.

En résumé, ils ont à se défendre pour jouir d'un bien qui leur appartient, et il ne faudrait pas savoir faire la part de la nature humaine pour penser que les croiseurs Anglais, et surtout le Gouvernement de Saint-Jean, ne sont pas tout disposés à la plus grande indulgence pour les frasques de leurs administrés, en fait d'empiètement sur nos droits.

Le seul remède à une semblable situation eut été la confiscation définitive des engins de pêche de ceux qui, par leur concurrence, je ne dirai pas gênent, mais ruinent nos pêcheurs. L'Angleterre non seulement ne l'a jamais pratiquée mais encore n'a pas admis que nous puissions le faire. Il s'ensuit donc que les mesures qu'elle a pu prendre n'ont aucun caractère positif et qu'elle est par conséquent responsable du dommage qu'elle a causé en ne tenant pas les engagements pris par Sa Majesté le Roi Georges.

Il n'y a là-dessus aucun doute à avoir et MM. Besnier et Dupuis-Robial sont en droit de lui réclamer une indemnité pécuniaire à charge par eux de faire la preuve du bien fondé de leur plainte.

Leur cause se résume à ceci: "J'ai, sur la foi des Traités, et confiant dans la Déclaration du Roi Georges, armé un navire pour pêcher à Terre-Neuve. Non seulement vous me devez la liberté de la mer, mais encore vous vous êtes engagés à me débarrasser par les mesures les plus positives de la concurrence des pêcheurs de l'Ile de Terre-Neuve. Or, vous n'en avez rien fait; vous avez laissé vos nationaux occuper avec leurs trappes les endroits où je pouvais déborder mes seines avec avantage; les pêcheurs à la main encombrer les platiers où se tient la morue. Je vous prouve que pendant que les vôtres prenaient du poisson, moi je n'ai pu rien prendre. Vous ne pouvez pas dire qu'il n'y avait pas de trappes puisque la 'Clorinde' a été obligée de les confisquer, vous ne pouvez pas dire qu'elles ne prenaient pas de poisson, puisque John Pilgrin déclare que sa trappe contenait 20 quintaux de poisson le 7 Juillet, jour où elle a été confisquée, alors que la seine n'a pu rien prendre d'après le carnet de pêche. En outre, quand la côte qui va du Cap d'Oignon à la Baie de Haha a été purgée des trappes, ce jour même les seines Françaises ont pris 11,000 morues.

"Vous êtes donc la cause directe de la ruine de mes opérations et je vous rends responsable pécuniairement du dommage qui m'a été causé."

4. Évaluation du dommage causé. Il est évident que cette évaluation est très difficile, mais elle n'est pas impossible. Les dépositions des témoins permettent d'apprécier avec assez d'exactitude le montant de la perte subie par nos armateurs.

Dans une lettre que j'écrivais au Commandant Hamond, de la station Anglaise, le 8 Septembre, 1886, de Sydney, C.B., j'évaluais à 2,000 quintaux marchands le tort fait aux navires établis en pêche au Kirpon pendant la saison de l'année précitée. Je n'avais à cette époque aucune connaissance de la plainte formulée par nos armateurs et l'on ne saurait imputer à la partialité cette évaluation qui m'avait été fournie par des résidents Anglais, qui, ayant eux-mêmes eu à se plaindre de l'usage des trappes, étaient préoccupés de chiffrer le dommage causé à la pêche.

Si l'on se reporte aux dépositions de l'enquête, on voit que si nous considérons d'abord le navire "l'Union," établi au Kirpon, Domalain, son capitaine, estime à 700 quintaux le tort qu'on lui a fait; Guillosson, son maître de seine, à 900 quintaux; quant au maître de seine Saintillan, il n'a pêché qu'un moment; il venait du Cap Rouge, mais il a perdu 35 quintaux. En passant au brick le "Sans-Souci," établi en pêche à la Baie au Mauves, Houard, son capitaine, estime aussi à 700 quintaux le tort qu'on lui a fait; le maître de seine Guillon, du "Sans-Souci," estime qu'il a perdu 400 quintaux en 1886; et Tiechel, second maître de seine, accuse le même chiffre. En me résumant, voici les pertes accusées pour 1886 par les demandeurs:

Pour le brick "l'Union," 700 quintaux, et pour le "Sans-Souci," 800 quintaux, ce qui donne une moyenne de 750 quintaux par navire. Ces chiffres me paraissent au-dessous de la vérité, car ils ne tiennent pas compte du tort fait aux pêcheurs à la ligne—tort qui est considérable, empêchés qu'ils sont de pratiquer leur industrie là où les trappes sont établies. Puis il y a les huiles perdues et enfin tout un équipage de pêche nourri à rien faire. A la perte de pêche il faut donc ajouter la perte des déboursés inutiles qu'il sera du devoir des demandeurs de faire apprécier et qu'il est de toute justice de faire entrer en ligne de compte mais que je suis incapable d'estimer au juste.

Voici donc pour l'année 1886 le compte de la perte subie par MM. Besnier et Dupuis-Robial :—

	Fr.
750 quintaux marchands, soit 375 quintaux métriques, de 100 kilog., à 75 fr. ..	28,125
1,500 litres d'huile, à 2 fr.	3,000
Perte sur débours inutiles	6,000
Total	37,125

Année 1885.

Pour l'année 1885, Domalain évalue la perte à 1,000 quintaux marchands ; Guillosson, son maître de seine, évalue à 360 quintaux ce qu'on lui a fait perdre, et comme Domolain auraient deux seines, nous trouvons une évaluation de 720 quintaux de perte pour les deux seines ; voilà pour le " Stella Maris."

Houard estime à 600 quintaux le tort qu'on lui a fait en 1885, son maître de seine Tiechel accuse 400 quintaux, et comme ils avaient deux seines j'estime sa perte à 860 quintaux. Je n'ai pas pu faire déposer le second maître de seine, qui n'était pas le même qu'en 1886.

En prenant pour chacun de ces armateurs la moyenne des pertes accusées nous trouvons 860 quintaux pour Domolain et 700 quintaux pour Houard, soit une moyenne de 785 quintaux pour chacun d'eux.

J'établis donc ainsi leur compte de perte :—

	Fr.
785 quintaux marchands, soit 392 quintaux métriques, à 75 fr., ci	29,400
1,570 litres d'huile, à 2 fr.	3,140
Perte sur débours inutiles	6,000
Total	38,540

Je n'ai pas de certificat de vente pour l'année 1885 : cette pièce sera à produire.

En résumé, pendant les deux années 1885 et 1886, les demandeurs ont perdu une somme que j'évalue à 75,665 fr., soit 151,330 fr. pour les deux maisons Besnier et Dupuis-Robial, somme qui leur est due par le Gouvernement de Sa Majesté Britannique pour n'avoir pas, conformément à la Déclaration de Sa Majesté le Roi Georges, pris les mesures qu'il était tenu de prendre pour assurer à nos nationaux le libre exercice de leur droit de pêche.

Il y a donc lieu d'en poursuivre le recouvrement par toutes les voies légales sous peine de laisser la justice et le droit méconnus.

La situation telle qu'elle est à Terre-Neuve est la conséquence de la tolérance Anglaise vis-à-vis des pêcheurs de cette Colonie.

La France a fait la part de la civilisation en n'usant qu'avec réserve de ceux des droits que lui confèrent le Traité d'Utrecht et la Déclaration subséquente, qui pouvaient sembler en opposition avec le développement naturel des besoins de la population qui a élu domicile sur la partie de côte où nous pêchons. Mais cette intelligente tolérance ne saurait dégager l'Angleterre du devoir de tenir ses engagements, et il n'est que trop évident que les demandeurs ayant été ruinés par la concurrence de leurs rivaux, ont droit à se faire indemniser par le Gouvernement qui s'était chargé de garantir leurs opérations industrielles.

Nous, Soussignés, négociants-consignataires, domiciliés et demeurant à Marseille, déclarons que la valeur moyenne, pour les qualités à l'état sain des morues séchées à la côte est de Terre-Neuve, a été, cette année-ci, sur la place de Marseille, de 70 fr. les 100 kilog., prime d'exportation non comprise.

Fait à Marseille, le 20 Décembre, 1886, pour valoir ce que de droit.

(Signé) ROUX, FRÈRES, DE SAINT-BARTHÉLEMY.

Vu, pour la légalisation de la signature de Roux, Frères, de Saint-Barthélemy :

Le Maire,

L'Adjoint Délégué,

(Signé) Illisible.

Marseille, le 20 Décembre, 1886.

(Translation).

Captain Le Clerc, commanding the Iron-clad "Indomptable," to M. le Chef du Service de la Marine at St. Servan.

On board the "Indomptable," Toulon, February 10, 1887.

I HAVE the honour to address to you the finding of the inquiry held, by order of the Minister of Marine, at St. Brieuc and Binic on the subject of the injury caused to our countrymen established for the purpose of fishery at Kirpon during the years 1885-86 by the fishermen of the Island of Newfoundland, subjects of Her Britannic Majesty.

The finding of this inquiry consists of the deposition of Captain Domalain, of the brigs "Stella Maris" and "Union," both belonging to M. Besnier, ship-owner at Binic, whom it has been impossible to examine before the 17th January, owing to his absence from France at the time of my stay at St. Brieuc.

It is now my duty to sum up the results of this inquiry, and to draw the conclusions which the depositions lead me to arrive at, and also to support them by my personal knowledge of the facts which have occurred on the coast of Newfoundland during the time of my command in 1885-86.

The Minister of Marine had already done me the honour to consult me on the merit of a claim brought forward by M. Besnier, ship-owner at Binic, and I ended by giving a favourable opinion on it.

I do not possess this correspondence, which should by rights be added to the papers on this affair at Paris. At any rate, I valued at not less than 1,000 market quintals, *i.e.*, 50,000 kilog. of cod, the injury caused to our countrymen by English subjects through the impediments they put in the way of the free exercise of our fishery, and that for the year 1886 alone.

It follows that the same injury applied to the operations of M. Dupuis-Robial, ship-owner of the "Sans-Souci," who also has a fishing establishment at Kirpon.

In the course of the inquiry, it seemed to me natural to try to fix also the losses sustained by our countrymen in 1885, at which time I was in command of the naval division of Newfoundland.

I thought it better not to go further back, because I should have had no means of verifying the depositions of the fishermen when examined; but I do not lose sight of the fact that, if the fisheries at Kirpon during the five years 1881-86 have been most mediocre, these disastrous results may be attributed to the competition with our fishermen of roving schooners from the ports of the east coast of Newfoundland, as well as of the residents themselves.

To sum up my inquiry with greater clearness, I shall divide my work into question and answer:—

1. Have the fisheries of Kirpon been ruined by the subjects of Her Britannic Majesty?

I do not hesitate to reply for the most part, yes. The localities at Kirpon were formerly the most favourable, because cod frequent them in great abundance in their migrations in the pursuit of the capelin. They make the land on both sides, coming from Cape Norman by the north, and from South Bay by the east coast. The particular position of Kirpon between the two coasts, owing to the channel of Little Kirpon, renders the spot eminently favourable to fishery, and I have no doubt that the seasons of 1881-86 would have furnished to our countrymen an average fishery if they had been allowed to profit by the peculiar advantages of the geographical position of their fishing grounds.

Now, what happened? Our countrymen having abandoned the fisheries neighbouring Cape Norman, the English schooners crowded into Cook Harbour, Goélette Cove, and even the Bay of Cape Norman, and laid down their traps. The immediate result was to stop the passage of cod, and prevent it to a great extent, if not entirely, from reaching Kirpon.

The manner of using traps and the way they catch the fish plainly indicate that the cod do not go direct to the coast at right angles to its direction, but that they follow the bends in the bearings of its line. This is a well-known fact, and one important to recollect, without which the traps would not generally be set on the coast.

Now, do the cod come from Cape Norman towards Kirpon, passing along the coast of the Baie du Pistolet and the great Baie du Sacre? I think so, because these fisheries open later than those more to the south of the west coast.

The fisheries on the coast of Labrador, in the Straits of Belle Isle, begin to take

cod when those of Port-au-Choix, Cod Roy, &c., are in full swing. In 1885 our fishermen on the west coast succeeded fairly well after the middle of May, while on the 19th June no cod had appeared at Forteau, where I was anchored. The coast of Labrador was still blocked with icebergs, and it is to this cause I attributed the absence of fish.

It seems to me to be true that the traps off Cape Norman impede the passage of the fish which our people await in vain at Kirpon.

So much for the north coast. The same thing happens on the south coast, and the fish are stopped by the traps of St. Lunaire and the Griquets before being able to reach the coasts of the large island of Kirpon, or the part of the coast lying between the entrance of the Little Kirpon and the Baie du Nord des Griquets.

Similarly to what occurs on the north coast, between Cape Bauld and Cape Norman, the stream of cod coming from the south towards the coasts of Labrador is partly stopped in its passage, and our countrymen suffer on the east coast of Kirpon from the same inconveniences which they experience on the north coast of this bay. One may, therefore, really say that the French fisheries of Kirpon are blocked to the north and the south by the English.

But the damage done to them does not stop here.

For the British traps occupy the best places where our nets can be laid, and it follows that if a French fisherman wishes to go and try his luck elsewhere, he can only do so by running the risk of being obliged to net the traps of his rivals.

Thus, on all sides and from every point of view, it is quite certain that the English ruin our people, whether by stopping the passage of fish, or by preventing our countrymen by the presence of their engines from taking it where it is to be found.

It is certainly an important question for us to establish whether or not traps are destructive engines which have ruined our fisheries, but it is rather a question of general interest, the solution of which does not in any way alter the conclusions of this inquiry, than a private question specially interesting the ship-owners of Kirpon. To settle it there is no need of evidence from our countrymen, whose impartiality might be questioned by the English, but it suffices to appeal to the evidence of the resident English themselves, those who, too poor to buy a trap, gain their bread with difficulty by means of a hand-line, and who know what those nets cost them which are spread by roving schooners at the entrance of the bays where their modest dwellings are situated. There is not a single poor resident who has not begged me to seize these traps, to take upon myself their defence against their own countrymen, and to remind me of the time when the coast of Newfoundland, reserved for our fishery, was the object of a wise and methodical industry. The evils which Newfoundland is suffering extends to Labrador, and I may assert that the fishermen of Forteau have asked me to rid them of a rich fisherman of St. John's, who, by laying down twenty traps between the coast and Woody Island in the Bay of Blancs Sablons, had entirely ruined their more humble industry.

But this question need only occupy us in a secondary degree, for other causes, which it is useless to enumerate here, must be taken into account with regard to the ruin of the Newfoundland coast. It is sufficient for me to demonstrate that Kirpon is ruined by British competition, and to call your attention to the depositions of the net owners of the "Union" and "Sans-Souci." I can certify that they have exaggerated nothing, and it is needless to consider seriously the arguments put forward by the owners of traps—arguments intended to show that their fishing engines are not placed in the bays just where our fishermen are engaged. This reasoning is of no value, for if our fishermen are reduced to fishing in an extremely restricted area, not far from the anchorages of their vessels, it is precisely because they dare not net in the places where British subjects are in force, and block the places where nets can be laid down.

Moreover, the roving schooners of the east coast go about trying their luck wherever they please; they establish their fishery in the midst of our people, and place their traps just where they think they have the best chance of catching the fish, without troubling themselves about the harm they do to our operations. I have counted as many as forty in the waters of Kirpon, and as many in Little Kirpon, threatening our fisheries as much by their number as by their eagerness to seize the most favourable places.

2. Under what conditions ought our countrymen to fish in Newfoundland, and what are the obligations imposed by Treaty on England?

Our countrymen are established in Newfoundland during the fishing season, which lasts from the melting of the ice to the first snows, conformably to the stipulations of Article XIII of the Treaty of Utrecht. These stipulations enact that they should

have on shore only the necessary huts and stages used for drying fish, but no further limits are placed upon their action as fishermen. It follows, then, that they may fish wherever they please, so long as they restrict the exercise of their rights to this side of Capes St. John and Ray, passing round by the north. But such a right would be almost illusory if no stipulation existed sanctioning its exercise.

It may be understood how precarious is the protection afforded by the French cruizers when it is remembered that this protection can only be made effective by exercising a right of supervision over the English fishermen—a right which every Government, and, perhaps, the British Government most of all, jealously reserve over their subjects.

The consequence of this situation would have been that the right of use possessed by France over the sea which washes a part of the Newfoundland coasts would have become almost impossible of application, if an Additional Article had not defined in what conditions of security the French could reckon on profiting by the stipulations of the Treaty of Utrecht.

This Additional Article is not to be found in the Treaty, but the Declaration of King George amply replaces it.

Now the Declaration says :—

"*Versailles, September* 3, 1783.

"The King, having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only insure the execution thereof with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any way, by their competition, the fishery of the French during the temporary exercise of it, which is granted to them upon the coasts of the Island of Newfoundland; and he will for this purpose cause the fixed settlements, which shall be formed there, to be removed. . . . . ."

It clearly results from this that England has engaged herself to secure to our countrymen the free exercise of the rights conferred upon them by the Treaty of Utrecht, and that she is in the position of a proprietor who can neither alter, destroy, nor diminish in value the right of use granted to us, without incurring pecuniary responsibilities.

But, further, England has constituted herself the guardian of this right of use.

The depositions of the inquiry establish clearly that our countrymen are unable to enjoy it in peace, and that the fishing preparations they have made, on the faith of the Declaration of King George, have only ended in ruin, and that it only remains, in order to establish the responsibilities, to consider:

3. Whether England has taken the most positive measures to prevent her subjects from interrupting our fishermen by their competition.

It would be unjust to say that Her Britannic Majesty's Government have taken no measures, but these measures have no positive character. The English cruizers show great activity; they are very kind and courteous to our countrymen, but they are absolutely powerless against the encroachments of the British fishermen of the Island of Newfoundland.

If we were to consider, as the Declaration of King George authorizes us to do, whether they have removed the fixed settlements which injure us, we should have a too easy task to prove that they have done nothing of the kind. But we have no need to go so far; it is sufficient to consider what their fishermen are doing from the point of view of the serious competition they carry on with our people.

When the French cruizers or even the masters of fishing-vessels complain, the Commanders of the English cruizers tell their countrymen to use greater moderation in their competition; sometimes they order schooners to sail away when they are too evidently doing harm to our fishermen; but it may be said that the inhabitants of Newfoundland are just as unwilling and lax in obeying the orders of the English as in conforming to the injunctions of the French cruizers. The result is, that all ends in talk, that our nationals obtain nothing either from one side or the other, and that, at last, they give up complaining.

I say this because it must not be argued that, because our fishermen do not complain, they have therefore nothing to complain of. This would be a serious mistake. The fishermen have not the courage to go on board the English men-of-war to face officers who are in a far higher social position than themselves, and whose

language they cannot speak; moreover, they are afraid of the residents, and, above all, of the crews of the roving schooners, who, when once they are clear of the cruizers, give free vent to their national antipathies. How could it be otherwise, when it is remembered how persons whom teaching, education, and travelling should have freed from prejudices of race and religion often show in their judgments, their acts, and their international conduct a blind party spirit, which the sentiment of justice does not succeed in dispelling?

In fact, the British fishermen are ignorant, and give no heed to the Treaties which bind France and England, and the cruizers of their own nation can only keep them in order with great difficulty. In addition, the complaints made by the French cruizers, although listened to with the greatest good-will, often remain fruitless, not by reason of the ill-will of the English Commanders, but on account of the unavoidable delay in the transmission of these complaints.

I will cite an example to explain what I mean.

On the 17th August, 1885, the French cruizer "Ibis," being at Kirpon, received complaints from Captain Domalain, of the French brig "Stella Maris," Captain Houard, of the brig "Sans-Souci," and Captain Maoucet, of the "Elisabeth," all three engaged in fishery in the neighbourhood of Kirpon. These vessels could not fish on account of the presence of numerous schooners whose boats encumbered the fishing grounds. These schooners, when asked to withdraw to make room for our countrymen, positively refused to do so, and, moreover, to avoid having their fishing implements seized, temporarily put them ashore. Further, their masters defied the Captain of the "Ibis" to make them leave or to seize their schooners, as he was empowered to do by Article X of the Convention of the 26th April, 1884.

This officer came to me at Croc, and I went to Kirpon, whence most of the schooners had gone. But the harm was done, our fishermen had for a long time been interfered with, and their fishery injured, when I arrived to free them from the interference of their rivals. It was not until the 7th September that I was able to communicate a complaint to the Commander of the cruizer "Fantôme," and it will be understood that it had no effect whatever, the schooners being no longer at Kirpon.

I could adduce such examples over and over again, for what respect can the fishermen have for an authority which has no repressive power?

The English cruizers obey their orders; they cannot be made responsible for their inefficiency. What is the good of saying to a British fisherman: "Go a little further off; you are in the way of the French fishermen," if this fisherman suffers no penalty for having caused this inconvenience? It is evident that if the place suits him, he will come back the moment the cruizer disappears, and this is what constantly happens.

Besides, when the authorities have left, our fishermen are the objects of reprisals on the part of the English; they are sometimes assailed with stones, sometimes almost beaten to death, as was Moncet at Cape Onion, threatened with fire-arms, as was Domalain at l'Anse-à-Clou, and Captain Hamonet's net-master at the Bréhat rock.

To sum up, they have to defend themselves in order to enjoy a right which belongs to them; and it needs no great knowledge of human nature to believe that the English cruizers, and, above all, the Government of St. John's, are not altogether indisposed to be indulgent towards the proceeding of their subjects in encroaching on our rights.

The sole remedy for such a situation would have been the definite confiscation of the fishing implements of those who, by their competition, I will not say harm, but ruin our fishermen. England has not only never done this, but has never admitted that we might do it. It follows, therefore, that the measures she has been able to take have no positive character, and that she is consequently responsible for the damage she has caused by not keeping the engagements undertaken by His Majesty King George.

There is no doubt about this, and Messrs. Besnier and Dupuis-Robial have a right to demand a pecuniary indemnity on undertaking to produce proof of the justice of their complaint.

Their case may be summed up as follows: "Trusting to the Treaties, and relying on the Declaration of King George, I fitted out a vessel to fish at Newfoundland. Not only do you owe me the free use of the sea, but you have also engaged to protect me by the most positive measures against the competition of the fishermen of the Island of Newfoundland. But you have done nothing; you have allowed your countrymen to occupy with their traps the places where I could have laid down my nets to the greatest advantage, and your fishermen with lines, to block the fishing grounds where the cod lie. I prove to you that while your people caught fish, I could catch none.

You cannot say there were no traps, because the 'Clorinde' was obliged to confiscate them; you cannot say they did not catch fish, because John Pilgrim declares that his trap contained 20 quintals of fish on the 7th July, the day it was confiscated, when the net could take nothing, as is shown by the fishing book. Further, the very day when the coast from Cape Onion to Haha Bay was cleared of traps, the French nets took 11,000 cod. You are thus the direct cause of the ruin of my operations, and I hold you responsible for the damage caused me."

4. Valuation of the damage caused. It is evident that this valuation is very difficult, but it is not impossible. The depositions of witnesses enable me to make out with sufficient accuracy the amount of loss suffered by our ship-owners.

In a letter which I wrote to Captain Hamond, on the English station, on the 8th September, 1886, from Sydney, C.B., I valued the injury done to the vessels engaged in the fishery at Kirpon during the season of the above-mentioned year at 2,000 market quintals. I had no knowledge at that time of the complaint made by our ship-owners, and my valuation cannot be taxed with partiality, for it was furnished me by English residents, who, having had to complain personally of the use of traps, had calculated the damage done to the fishery.

By reference to the depositions of the inquiry, it will be seen that if to begin with we take the vessel "Union," engaged at Kirpon, her captain, Domalain, estimates the damage done to him at 700 quintals; Guillosson, her master of the nets, at 900 quintals; as to the master of the nets, Saintillan, he only fished for a very short time; he came from Cape Rouge, but he lost 35 quintals. If we go on to the brig "Sans-Souci," engaged in fishing at the Baie au Mauves, her captain, Houard, also estimates his loss at 700 quintals; Guillon, the master of the nets of the "Sans-Souci," reckons he has lost 400 quintals in 1886; and Tiechel, second net-master, puts down the same figure. To sum up, the losses in 1886 asserted by the claimants are as follows:—

For the brig "Union," 700 quintals, and for the "Sans-Souci," 800 quintals, which gives an average of 750 quintals per vessel. These figures seem to me to be below the truth, for they do not count the injury done to the line fishermen—a considerable injury, since they are prevented from carrying on their industry where the traps are established. Then there is the loss of oil; in short, an entire fishing crew to keep with no equivalent result.

To the loss of fishery must therefore be added the loss of useless expenditure, which it is the duty of the claimants to bring forward, and which must in justice be taken into account, but which I am unable to estimate accurately.

The following is the total loss sustained by MM. Besnier and Dupuis-Robial in the year 1886:—

	Fr.
750 market quintals, or 37,500 kilog. (100 kilog. at 75 fr.)	28,125
1,500 litres of oil, at 2 fr.	3,000
Loss through useless expenditure	6,000
	37,125

For the year 1885, Domalain values the loss at 1,000 market quintals; Guillosson, his net-master, values the loss he has sustained at 360 quintals, and as Domalain has two nets, we find a valuation of 720 quintals loss for the two nets; so much for the "Stella Maris."

Houard estimates the damage done to him in 1885 at 600 quintals, his net-master, Tiechel, reckons 400 quintals, and as they had two nets, I value the loss at 860 quintals. I could not get the second net-master's depositions, as he was not the same as in 1886.

In taking the average losses set forth by each of these ship-owners, we find 860 quintals for Domalain and 700 quintals for Houard, or an average of 785 quintals each. I therefore set down their loss thus:—

	Fr.
785 market quintals, or 39,200 kilog., at 75 fr.	29,400
1,570 litres of oil, at 2 fr.	3,140
Loss through useless expenditure	6,000
	38,540

I have no certificate of sale for 1885; this document will have to be produced.

To conclude, during the two years 1885-86 the claimants have lost a sum which I value at 75,665 fr., or 151,330 fr. for the two firms Besnier and Dupuis-Robial, a sum which is due to them from Her Britannic Majesty's Government for not having, in

conformity with the Declaration of His Majesty King George, taken the measures they were bound to take to assure to our countrymen the free exercise of their fishery right.

Compensation should therefore be sought by every legal means, as otherwise there would be a disregard of justice and right.

The present situation in Newfoundland is the result of the forbearing treatment of the fishermen of this Colony by England.

France has acted in conformity with the ideas of civilization in only using sparingly those of the rights conferred on her by the Treaty of Utrecht and the subsequent Declaration, which might seem to be opposed to the natural development of the wants of the population which have chosen to dwell on the part of the coast where we fish. But this wise toleration can never release England from the duty of keeping her engagements, and it is only too evident that the claimants, having been ruined by the competition of their rivals, have a right to be indemnified by the Government which had undertaken to guarantee their industrial operations.

We, the Undersigned, merchant consignees, domiciled and living at Marseilles, declare that the average value for the qualities of dried cod in a fresh state on the east coast of Newfoundland has been this year in the market-place at Marseilles from 70 fr. per 100 kilog., not counting the export bounty.

Done at Marseilles, the 20th December, 1886, as value by law.

(Signed) ROUX, FRÈRES, DE ST. BARTHÉLEMY.

Seen, for the legalization of the signature of Roux, Frères, de St. Barthélemy :

The Mayor,
The Assistant Delegate,
(Signed) Illegible.
Marseilles, December 20, 1886.

No. 62.

M. Waddington to the Marquis of Salisbury.—(Received July 9.)

M. le Marquis, *Londres, le 7 Juillet,* 1887.

PAR une communication en date du 24 Novembre de l'année dernière Lord Iddesleigh répondant à des démarches que j'avais dû faire auprès du Secrétaire d'État pour les Affaires Étrangères, exprimait l'espoir que le Gouvernement de la République ne s'opposerait pas à la conservation sur le "French Shore" à Terre-Neuve, de celles des usines à homards qui avaient été établies par des sujets de la Grande-Bretagne, antérieurement à la conclusion de l'Arrangement de 1885. A l'appui de cette manière de voir, Lord Iddesleigh invoquait à la fois les dispositions stipulées par l'Article II de la Convention précitée, et surtout le fait que les usines dont il s'agit paraissaient avoir été élevées avec le consentement du Consul de France.

Mon Gouvernement a dû se préoccuper de rechercher si l'attitude de son Vice-Consul à Saint-Jean de Terre-Neuve justifiait réellement l'interprétation que les autorités navales de la Grande-Bretagne avaient cru pouvoir lui attribuer. Il résulte des investigations qui ont été faites à ce sujet qu'il n'existe aucun document permettant de présumer que l'autorisation invoquée par le Commodore Devarenne et le Commandant Kennedy, de la Marine Royale, aurait été réellement concédée. Bien au contraire, les Vice-Consuls de France à Terre-Neuve, et en particulier MM. Kraetzer et Schœnfeld, de Janvier 1879, au mois de Juin 1882, n'ont cessé de s'élever contre toute espèce d'empiètements de la part des sujets Britanniques sur le "French Shore."

D'autre part, votre Seigneurie, dans une lettre du 19 Mai dernier, niait la validité de l'Arrangement du 14 Novembre, 1885, alléguant le refus persistant du Parlement de Terre-Neuve de le ratifier. Le Gouvernement de la Reine n'en peut dès lors invoquer le bénéfice en sa faveur.

Dans ces conditions, je suis chargé par M. Flourens d'insister auprès de votre Seigneurie pour qu'il soit donné suite aux communications de mon Ambassade des 25 Août et 20 Novembre, 1886, et pour que le retrait des usines à homard établies à Port-à-Port, ou sur tout autre point du "French Shore" soit exécuté dans le plus court délai possible.

Je serai reconnaissant à votre Seigneurie de vouloir bien m'informer de la suite qui aura été donnée à ma démarche.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 7, 1887.

BY a communication dated the 24th November of last year, Lord Iddesleigh replied to the requests I had made to the Secretary of State for Foreign Affairs, and expressed the hope that the Government of the Republic would not oppose the retention of those lobster factories on the "French Shore" of Newfoundland which had been established by subjects of Great Britain previous to the conclusion of the Arrangement of 1885. In support of this view, Lord Iddesleigh quoted the stipulations of Article II of the above-mentioned Convention, and especially that the factories in question seemed to have been erected with the consent of the French Consul.

My Government have carefully examined whether the attitude of their Vice-Consul at St. John's, Newfoundland, really justified the interpretation which the naval authorities of Great Britain had thought fit to put upon it. The investigations made into this matter show that no document exists to prove that the authorization requested by Commodore Devarenne and Commander Kennedy, of the Royal Navy, has ever really been given. On the contrary, the French Vice-Consuls in Newfoundland, and especially Messrs. Kraetzer and Schœnfeld, did not cease to protest from January 1879 to June 1882 against every kind of encroachment on the part of British subjects on the "French Shore."

On the other hand, your Excellency, in a letter dated the 19th May last, denied the validity of the Arrangement of the 14th November, 1885, alleging the persistent refusal of the Newfoundland Parliament to ratify it. Her Majesty's Government cannot, therefore, invoke its stipulations in their favour.

In these circumstances, I am instructed by M. Flourens to urgently request your Excellency to act on the communications from my Embassy of the 25th August and 20th November, 1886, and to cause the removal of the lobster factories established at Port-à-Port, or any other point on the "French Shore," to be carried out with the least possible delay.

I shall be obliged if your Excellency will kindly inform me that my request has been complied with.

I have, &c.
(Signed) WADDINGTON.

No. 63.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 15, 1887.

I AM directed by the Marquis of Salisbury to transmit to you herewith, for such observations as Secretary Sir H. Holland may have to offer thereupon, copy of a note from the French Ambassador at this Court,* inquiring at what decision Her Majesty's Government have arrived as regards prohibiting the use of cod-traps off the coast of Newfoundland, and forwarding documents in support of a claim for damages advanced by Messrs. Besnier and Dupuis against Her Majesty's Government on account of injuries stated to have been caused to them during the late fishery season by the practices of British fishermen, and by the alleged insufficiency of the measures taken by the British authorities to protect them against such competition.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 64.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 18, 1887.

WITH reference to previous correspondence, I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of a note from the French

* No. 61.

Ambassador at this Court,* stating the reasons which induce his Government to insist that the British lobster factories established at Port-à-Port, "or at any other point of the 'French Shore,'" shall be withdrawn with as little delay as possible; and to request that you will lay this paper before Secretary Sir H. Holland for his observations.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 65.

Sir H. Holland to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, July* 19, 1887.

WITH reference to my despatch of the 23rd May last, I have the honour to transmit to you herewith an Order of Her Majesty in Council, dated the 12th instant, specially confirming the Act passed by the Legislature of Newfoundland during the last Session, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

As you are informed in my despatch above quoted, no Proclamation is to be issued under section 12 of the Act for bringing the Act into force until after the close of the present fishing season.

I have, &c.

(Signed) H. T. HOLLAND.

Inclosure in No. 65.

At the Court at Windsor, the 12th day of July, 1887.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.	Sir W. Hart-Dyke.
Earl of Kintore.	Sir John Cowell.
Earl Brownlow.	

WHEREAS the Governor of Her Majesty's Colony of Newfoundland with the Council and Assembly of the said Colony did, in the month of February 1887, pass an Act which has been transmitted, entitled as follows, viz., "Anno Quinquagesimo Victoriæ Reginæ," cap. 1, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes:"

And whereas the said Act has been laid before Her Majesty in Council, together with a letter to the Lord President of the Council from the Right Honourable Sir H. T. Holland, Bart., &c., one of Her Majesty's Principal Secretaries of State, recommending that the said Act should receive Her Majesty's special confirmation:

Her Majesty was thereupon this day pleased, by and with the advice of her Privy Council, to declare her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant Governor, or Commander-in-chief for the time being of Her Majesty's Colony of Newfoundland, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. L. PEEL.

No. 66.

Colonial Office to Foreign Office.—(Received July 27.)

Sir, *Downing Street, July* 27, 1887.

I AM directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland,

* No. 62

inclosing Resolutions passed by the two Houses of the local Legislature with reference to the proposed Arrangement with France for the regulation of Newfoundland fisheries.

I am also to inclose a copy of a despatch which, with the concurrence of his Lordship, Sir Henry Holland proposes to address to the Officer administering the Government in reply.

I am to add that the Officer administering the Government will be asked to obtain from the Premier explanations as to the delay in communicating these Resolutions to the Governor.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 66.

Governor Sir G. Des Vœux to Sir H. Holland.

Sir, *Government House, Newfoundland, June* 22, 1887.

I HAVE the honour to forward to you Resolutions recently passed by the two Houses of the local Legislature with reference to the proposed Arrangement with France in connection with the fishery on that portion of the coast of Newfoundland where the French have fishing rights.

Though passed on the 4th May last, these Resolutions have only just been received by me.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 66.

Resolutions passed the Legislative Council and House of Assembly of Newfoundland.

WHEREAS Her Majesty's Government have recognized, in the most solemn manner, the jurisdiction of the Government of this Colony over the coastal fisheries and territory of Newfoundland and its dependencies, and have acknowledged that the said fisheries and territory cannot be alienated, except with the consent of the local Legislature, and have, by the despatch accompanying the Arrangement of 1885, made between France and Great Britain, concerning that part of our coasts whereon the French have certain fishery privileges, further recognized, as essential to the validity of the said Arrangement, its ratification by our local Legislature;

And whereas the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast;

And whereas the said Arrangement gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled in Tribunals of Justice;

And whereas the French fisheries on our coasts are sustained and stimulated by an enormous bounty from the French Government to French fishermen, and our people are in consequence unduly burdened in their competition in foreign markets, to the almost complete exclusion of their fish products from the said markets;

And whereas this proposed Arrangement seeks to assert, perpetuate, and legalize a claim to the purchasing of bait by the French in all the parts of this Colony, without any reservation of power on the part of the Colony to restrict them by local legislation;

And whereas the great decline of late years of the inshore fishery of this Colony has necessitated the turning of our attention to the Bank fishery, and the economizing of the supply of bait fishes, in which ample proof of a marked decadence has been shown within the past few years;

And whereas the power of restricting the supply of bait on our coasts to nations competing with our people in an industry which is the staple support of the Colony is vital to the commercial existence of this country, which relies principally on its fisheries for the maintenance of its population;

And whereas no acceptable equivalent is ceded to this Colony for those large and important concessions proposed to be made by us to the French by this Arrangement:

Be it therefore resolved, that, for the reasons hereinbefore set forth, and by virtue of

that Constitutional right which has been so often and so clearly admitted by Her Majesty's Government to exist in the Legislature of this Colony, we do consider it our bounden duty, in the interests of Her Majesty's loyal subjects in Newfoundland and elsewhere, to respectfully decline to assent to the Arrangement now proposed for our ratification.

Passed the Legislative Council, 4th May, 1887.

(Signed) E. D. SHEA, *President.*

Passed the House of Assembly, 4th May, 1887.

(Signed) ALEX. J. W. McNEILY, *Speaker.*

[For Inclosure 3 in No. 66, see *post*, No. 68.]

No. 67.

Colonial Office to Admiralty.

Sir, *Downing Street, July* 28, 1887.

THE French Government having applied to Her Majesty's Government for the removal of all British lobster factories existing on that part of the coast of Newfoundland to which, under Treaty, the fishery rights of French subjects extend, I am directed by Secretary Sir Henry Holland to request that instructions may be sent, by telegraph, to the officers of Her Majesty's ships now employed in the protection of the fisheries on the coasts of that island to ascertain and to state, in a separate tabular form, the exact position of each British lobster factory on the coasts in question (viz., from Cape St. John to Cape Ray passing by the north).

The statement should set forth the distance of the factory or establishment from the sea, the date of its establishment, and name of owner, and the amount of injury or inconvenience which its existence causes to the fishing operations of French subjects.

It will be desirable, also, if this can be done without materially delaying the Report, to ascertain the probable amount of capital invested in each case, and to supply such other information as may enable Her Majesty's Government to estimate the probable loss which would accrue to the owner from its suppression.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

No. 68.

Admiralty to Colonial Office.

Sir, *Admiralty, July* 30, 1887.

IN accordance with the request contained in your letter of the 28th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Sir Henry Holland, that the following telegram was yesterday addressed to the Commander-in-chief at Halifax, viz.:—

"Call for Report tabular form of all British lobster factories from Cape St. John to Cape Ray passing north, setting forth exact position, distance from sea, owner's name, amount of injury or inconvenience its existence causes to fishing operations, French subjects also, unless causing material delay of Report, capital invested in factories, and all information to enable Her Majesty's Government to estimate loss to owners if factories put down."

I am, &c.

(Signed) EVAN MACGREGOR.

No. 69.

Sir H. Holland to the Officer administering the Government of Newfoundland.

Sir, *Downing Street, August* 10, 1887.

I HAVE the honour to acknowledge the receipt of Sir W. Des Vœux's despatch of the 22nd June last, inclosing Resolutions passed by the two Houses of the local

Legislature upon the subject of the Arrangement which was proposed between this country and France for the regulation of the Newfoundland fisheries.

These Resolutions recite that "the Arrangement would place the French in possession of the principal harbours on the coast between Cape Ray and Cape John, to the practical exclusion of British fishermen from any of the fishing privileges of that coast;" and that it "gives jurisdiction to Commanders of French cruizers in matters criminal as well as civil, to the disregarding of those principles and procedures to which, as British subjects, we are accustomed and entitled in Tribunals of Justice."

The Legislative Council and Assembly appear to have misapprehended those clauses of the Arrangement of 1885 to which allusion is thus intended to be made.

There is no Article in the Arrangement which would place the French in possession of any harbour of Newfoundland to the exclusion of British fishermen. The red lines on the Map accompanying the Arrangement have reference to the land.

Earl Granville, when addressing you in his telegram of the 20th March, 1886, in reference to a similar misapprehension, informed you to the following effect: "the term harbour 'reserves' is an incorrect one. No harbours are reserved to the French under the Arrangement. Stipulations against fixed settlements except fishery settlements are removed in parts of the coast which are tinted red in the Map, but the stipulations in the Declaration attached to the Treaty of Versailles are not similarly removed with regard to those portions of the coast not tinted red, which remain under old Treaties, with the very important exceptions that facilities for working mines and exporting minerals are given under certain conditions. With respect to the fishery, the British have the same right of fishing on every portion of the coast where the French fish, subject to the old condition that the French are not to be interrupted by them."

This matter was also fully explained to the Committee of the Legislature by Mr. Pennell when he met them in April 1886, and it was also explained at the same time, as well as in the despatch from the Earl of Derby to the Governor of Newfoundland dated the 12th June, 1884, that under the proposed Arrangement of 1884 (which in this particular does not differ from that of November 1885), "the claim of the French to an exclusive right of fishery would be withdrawn, as the Arrangement recognizes the concurrent righ of British fishermen to fish everywhere on the coast between Cape St. John and Cape Ray, under the condition of not interfering with or molesting French fishermen when in the exercise of their fishing industry.

In the face of these explanations, it is difficult to understand how the Legislative Council and Assembly conclude that any of the harbours of Newfoundland are placed in possession of the French, to the practical exclusion of British fishermen.

With regard to the second point, viz., that which forms the subject of Articles VII to XIV of the Arrangement of 1885, the Legislative Council and Assembly also appear to be under a misapprehension; these Articles do not confer on the Commanders of French cruizers any jurisdiction, civil or criminal, but provide for the collection of evidence on matters of fact to be used for the settlement of disputes, and investigation of offences which, in the case of British subjects, would be adjudicated upon by the Commanders of Her Majesty's cruizers.

The power in certain cases (Article IX) to oppose the interruption of French fishermen, and the power in certain cases (Article XI) to secure the person of an offender in order to give him up into the hands of the Commander of a cruizer of his own nationality, cannot be said to include any civil or criminal jurisdiction on the part of the Commander of the cruizer of the nationality to which the plaintiff in the case may belong.

I have, &c.
(Signed) H. T. HOLLAND.

No. 70.

Sir H. Holland to Officer administering the Government of Newfoundland.

Sir, *Downing Street, August* 13, 1887.

WITH reference to your despatch of the 19th March, 1887, I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of letters received from the Foreign Office* relating to the demand made on behalf of the Government of France for the removal of the British lobster factories which have

* Nos. 21, 27, 36, and 64.

been established on that part of the coast of Newfoundland where the French have fishing rights.

With a view to the further consideration of this question, I thought it desirable to obtain accurate information as to the extent of the interests which would be affected by compliance with the application of the French Government, and, as you will see from the accompanying correspondence with the Admiralty,* Her Majesty's Commander-in-chief at Halifax has been desired to furnish the requisite information.

I have, &c.
(Signed) H. T. HOLLAND.

No. 71.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, August 24, 1887.*

WITH reference to your letter of the 5th ultimo, upon the subject of the use of cod-traps off the coast of Newfoundland, and certain claims of French citizens in connection therewith, I have the honour to acquaint your Excellency that after careful consideration Her Majesty's Government have come to the conclusion that the French fishermen have no legitimate claim to compensation in respect of the losses which they allege that they have suffered in consequence of the use of cod-traps by British fishermen.

The claim to compensation is based on a supposed violation of the Declaration signed at Versailles on the 3rd September, 1783.

It is important, therefore, not only to examine carefully the terms of that Declaration, but also to bear in mind the circumstances under which it was made.

In the first place, I need hardly remind your Excellency that the right of fishery conferred on the French citizens by the Treaty of Utrecht did not take away, but only restricted during a certain period of the year and on certain parts of the coast, the British right of fishery inherent in the sovereignty of the island.

The restriction on the British right of fishery laid down in the second paragraph of the Declaration is that it should not be exercised by British fishermen so as to "interrupt in any manner by their competition the fishery of the French;" and "for this purpose" it was declared that the British fixed settlements (which were used on the shore for the "pêche sédentaire" as distinguished from the "pêche nomade") should be removed. This was a most important provision, as it had been a subject of complaint that, at the opening of the fishery season, the shore was found occupied by the fishing-scaffolds or "établissements sédentaires" of the Newfoundland fishermen.

The third paragraph of the Declaration proceeds to lay down, "among other things, that the XIIIth Article of the Treaty of Utrecht shall govern the rights of fishery, and be observed by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing-vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

Her Majesty's Government have always held that there is nothing in the XIIIth Article of the Treaty of Utrecht, or in the Declaration of 1783, which deprives British subjects of the right of taking fish at sea off that part of the shore to which the French Treaty rights apply, provided they do not molest the French fishermen in the exercise of their Treaty right of fishing, nor interrupt them by their competition. It is manifest that such molestation and interruption can only refer to a physical obstruction and impediment to the exercise of the French right of fishery, and not to any diminution to the French catch of fish which may be supposed to result from the mere participation by British fishermen in the sea fishery.

If cod-traps are used by British fishermen in fishing-grounds within the French fishery limits which are *bonâ fide* required by French fishermen for their own use, the latter have a right to demand that such fishing-grounds be vacated, and to call on the proper authority to enforce their demand; but Her Majesty's Government cannot admit their right to found thereon a claim for compensation in respect of hypothetical profits which might have accrued to them but for the use of such cod-traps.

They are nevertheless prepared to take steps to cause the effect of these cod-traps upon the net fisheries, both British and French, to be carefully examined, and will then

* Nos. 67 and 68.

consider how far their suppression may be advantageous to the fishing interests of both nations.

I have, &c.
(Signed) SALISBURY.

No. 72.

Admiralty to Colonial Office.

Sir, *Admiralty, August* 30, 1887.

WITH reference to your letter of the 28th July last, and to Admiralty reply of the 30th idem, respecting the objection raised by the French Government against the British lobster factories on the Newfoundland coast, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for Sir Henry Holland's information, a copy of a Report, dated the 9th August, by Captain Hamond, of Her Majesty's ship "Emerald," the Senior Officer on the coast, together with a copy of the remarks of the Commander-in-chief in his submission of the 13th August, forwarding the Report, in response to the instructions sent to him, as requested in your letter of the 28th July.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 1 in No. 72.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at St. John's, August* 9, 1887.

IN compliance with your Memorandum of the 29th July, I forward a Return of all British lobster factories between Cape Ray and Cape St. John.

2. At the beginning of the season I directed Lieutenant-Commander Masterman to get all the information he could on the subject, and the tabular statement is compiled from his Report and from my own inquiries. I am unable to give the amount of probable capital invested in these factories without long delay in sending a Report, but the structures are of wood, and of such a temporary nature that the cost of removal would be very little.

3. In some cases where factories have been abandoned on account of the lobsters being fished out, the owners have not gone to the trouble of removing the material of their factories.

4. As regards the "distance from the sea," I may state that they are all close to the water, with a wooden jetty built out from the shed.

5. The only complaint made this year has been against the lobster factory at Port Saunders, as the French fishing captains complained to the French naval officer that they could not catch bait at one portion of the coast on account of the lobster-traps. Lieutenant-Commander Masterman caused them to be taken up, and the French Commodore expressed himself satisfied with the measures taken.

6. In no case do I think damage is caused to the French fishing by the lobster fishing.

7. I would call attention to the fact that the French lobster factories set up last year are working this year; one, worked by Captain Huit at Port-au-Choix, in his fishing shed, the other, Captain Dameron has set up ashore at Barred Bay, St. John Island, having removed this season from Old Port-au-Choix. With the difference that the position of the last-mentioned factory is changed, these are the same factories which the French Foreign Office, in their correspondence last year, stated had been suppressed, and on which fact they founded their claim that certain English factories should be removed.

8. I have mentioned the fact about the French factories working, in case at the end of this season demands are made for the abolition of English factories.

9. The total suppression of the lobster factories would be a great loss to the wretchedly poor inhabitants of this coast, as this industry gives them constant employment during the summer, and girls and women can do work in the factories.

10. At Bonne Bay last winter almost the only families who were able to live without

Government relief were those who had been employed in the local lobster factory, and Bonne Bay has a population of 890.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 2 in No. 72.

TABULAR Statement of Lobster Factories on Coast of Newfoundland from Cape Ray to Cape St. John, worked by British subjects.

Position of Factory.	Name of Owner.	Where from.	Amount of Injury or Inconvenience to French Fishery.	Probable Capital invested.	Remarks.
1. St. George's Bay ..	Hill ..	Prince Edward Island	None ..	Unknown ..	Small factory, employs fifteen people.
2. The Gravels, Port-à-Port	Haliburton .	Ditto	Ditto ..	Ditto ..	Not visited.
3. Black Duck Brook ..	Ditto ..	Ditto	Ditto ..	Ditto ..	Not visited. Started this year.
4. Bluff Head	Cairns ..	Ditto	Ditto ..	Ditto ..	French occasionally fish off Long Point, 5 miles from factory.
5. Lark Harbour, Bay of Islands	Forsey ..	Newfoundland ..	Ditto ..	Ditto ..	Catch 3,000 daily. Fishes in Lark Harbour and adjacent islands. No French fish here.
6. Wood Island, Bay of Islands	Carter ..	Nova Scotia ..	Ditto ..	Ditto ..	
7. Liverpool Cove, Bay of Islands	Ditto ..	Ditto	Ditto ..	Ditto ..	Owner has become bankrupt. Factory seized by creditors from St. John's.
8. The Crabs, Bay of Islands	Roach ..	Newfoundland ..	Ditto ..	Ditto ..	Factories Nos. 5 to 8 in Bay of Islands have received notice from Newfoundland Government that they will be subject to any orders given in furtherance of Treaty obligations with the French.
9. Woody Point, Bonne Bay	Paysant and Fraser	Nova Scotia ..	Ditto ..	Ditto ..	Large factory. Catch 6,000 to 7,000 lobsters per diem. Employs forty hands in factory and forty fishermen, nearly all local people. This employment is a great assistance to the poor inhabitants of the bay.
10. Cow Head	Munroe ..	Newfoundland ..	Ditto ..	Ditto ..	Not visited.
11. Port Saunders ..	Forrest and Shearer	Nova Scotia and Prince Edward Island	*Vide* Remarks	Ditto ..	A complaint was made by the French to Lieutenant-Commander Masterman this year that the lobster-traps on one portion of the coast prevented the French seining for bait, and Lieutenant-Commander Masterman ordered Mr. Shearer to take the traps up. French Commodore expressed himself satisfied with measures taken. I understand the owners of this factory, and the one at Brig Bay, intend removing them to Notre Dame Bay, south of Cape St. John.
12. Brig Bay	Ditto ..	Ditto	None ..	Ditto ..	Average catch, 26th May to 23rd June, 2,642 lobsters per diem. Packed 25,536 tins. Cases of four dozen tins valued at 5 to 7 dollars.

Inclosure 3 in No. 72.

Vice-Admiral Lyons to Admiralty.

(Extract.) *Halifax, August* 13, 1887.

THE suppression of the lobster factories would be a very serious loss to the inhabitants of the coast, who are wretchedly poor. Their existence does not cause injury or inconvenience to the fishing operations of French subjects. It will be observed from Captain Hamond's Report that the two French lobster factories, which the Government of the Republic, in the correspondence of last year on this subject, stated had been ordered to be suppressed, are again working this year; this fact, I think, should have an important bearing on the question.

I have instructed Captain Hamond to obtain as soon as possible the amount of probable capital invested in the British factories.

(Signed) ALGERNON LYONS.

No. 73.

Administrator Sir F. Carter to Sir H. Holland.—(*Received at the Foreign Office, September* 22.)

Sir, *Government House, Newfoundland, August* 30, 1887.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th August instant, with inclosures, for information of my Ministers, relating to the demand made on behalf of the Government of France for the removal of British lobster factories from that part of the coast of this island where the French exercise fishery rights.

Also, you have been pleased to acquaint me that you had thought it desirable, with a view to the further consideration of this question, to obtain more accurate information thereon through Her Majesty's Naval Commander-in-chief at Halifax.

I have, as requested, communicated your despatch, with accompanying correspondence, to my Ministers, who desire me to express their appreciation of the very careful consideration you are bestowing on this important subject, towards the sustainment of British interests in the carrying out of Treaty stipulations.

I have, &c.
(Signed) F. B. T. CARTER.

No. 74.

Colonial Office to Foreign Office.—(*Received September* 26.)

Sir, *Downing Street, September* 24, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, an extract from the Minutes of the Executive Council of Newfoundland, relating to the question connected with the use of cod-traps and the establishment of lobster factories in Newfoundland.

The Minutes inclosed, which are dated the 19th March last, appear to be those upon which the Governor's despatch of the same date was founded, which despatch was communicated to you in the letter from this Department of the 6th May.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 74.

Administrator Sir F. Carter to Sir H. Holland.

Sir, *Government House, Newfoundland, August* 30, 1887.

I HAVE the honour to transmit herewith a copy of the Minutes of the Executive Council of Newfoundland for the half-year ended the 30th June, 1887, received this day.

I have, &c.
(Signed) F. B. T. CARTER.

Inclosure 2 in No. 74.

Extract from the Minutes of the Executive Council of Newfoundland.

Present:

His Excellency the Governor.
Hon. Attorney-General.
Hon. Receiver-General.
Hon. Surveyor-General.
Hon. Mr. Ayre.
Hon. Mr. Goodridge.
Hon. Colonial Secretary.

Seizure of cod-traps by French officer.

THE Council had under consideration despatch from Right Honourable Secretary of State for the Colonies, dated the 18th October, 1886, and papers received from the Admiralty from the Commander-in-chief on the North American Station, transmitted

therewith in relation to the seizure of cod-traps belonging to British fishermen by the Senior French Officer on the Newfoundland coast.

The Council note the objections to the use of cod-traps on that part of the coast of Newfoundland where the French have certain fishing privileges, but they think it would be inopportune at the present to recommend to the Legislature any measure declaring their use there to be illegal. They will, however, issue notices that parties using cod-traps on that part of the coast, in contravention of French fishery rights, do so at their own risk.

Lobster factories on that part of the coast where the French have fishing privileges

His Excellency the Governor submitted for consideration of the Council despatch of the 11th February, 1887, from the Right Honourable the Secretary of State for the Colonies, transmitting copies of the Annual Report on the Newfoundland Fisheries, forwarded by the Commander-in-chief on the North American and West Indian Station.

In reference to the establishment of lobster factories on that part of the coast where the French have certain fishing privileges, especially alluded to in the despatch and Report, the Council will direct that factories already established there will be subject to any orders that may be made in furtherance of Treaty obligations with the French.

Prohibition taking lobsters at Rocky Harbour not to affect French fishermen

With reference to despatch of the 12th February, 1887, from the Right Honourable Secretary of State for the Colonies, his Excellency the Governor would convey to him the assurance of this Government that the Order in Council made under the Lobster Act of 1878, prohibiting the taking of lobsters at Rocky Harbour, Bonne Bay, is not intended to be enforced against French subjects.

Read and approved the 13th day of April, A.D. 1887.

(Signed) G. WILLIAM DES VŒUX.

Government House, March 19, 1887.

No. 75.

Count d'Aubigny to the Marquis of Salisbury.—(*Received October* 8.)

M. le Marquis, *Londres, le 6 Octobre*, 1887.

PAR une lettre en date du 7 Juillet dernier, M. Waddington avait exposé à votre Seigneurie les motifs qui rendent nécessaire la suppression aussi prompte que possible des usines Anglaises à homards, ayant un caractère de fixité et se trouvant sur le "French Shore" à Terre-Neuve.

Il résulte d'informations transmises à mon Gouvernement par la Division Navale Française dans ces parages qu'outre les établissements Anglais de cette nature à Port Saunders, il en existe d'autres sur divers points de la côte, et en particulier à Bonne Baie de St. Julien et à la Tête de Vache.

Je suis chargé par M. Flourens d'attirer de nouveau l'attention de votre Seigneurie sur cet état de choses contraire aux stipulations des Traités, en La priant d'aviser pour qu'il y soit porté remède.

Mon Gouvernement est convaincu que l'Administration Britannique tiendra d'autant plus à faire disparaître cet abus de la part des sujets Anglais, qu'il n'existe pas actuellement sur le "French Shore" d'usine à homards Française constituant un établissement permanent.

Veuillez, &c.

(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, October* 6, 1887.

BY a letter dated the 7th July last M. Waddington explained to your Excellency the reasons which urgently call for the removal, with the least possible delay, of the British lobster factories of a permanent nature on the "French Shore," Newfoundland.

From information transmitted to my Government by the French Naval Division on these coasts, it appears that besides the British establishments of this kind at Port Saunders, there exist others on various points of the coasts, and especially at Bonne Bay of St. Julien and Cow Head.

I am instructed by M. Flourens to again draw your Excellency's attention to this state of things so contrary to the stipulations of the Treaties, and to beg you to cause it to be remedied.

My Government is convinced that the British Government will be all the more ready to remedy this abuse on the part of British subjects, that no French

lobster factories constituting a permanent establishment exist at the present moment on the "French Shore."

I have, &c.
(Signed) L. D'AUBIGNY.

No. 76.

Count d'Aubigny to the Marquis of Salisbury.—(*Received October* 8.)

M. le Marquis, *Londres, le 7 Octobre*, 1887.

EN réponse à des démarches faites par M. Waddington dans le but d'obtenir que l'usage des trappes à morues fût interdit aux sujets de la Grande-Bretagne dans l'étendue des eaux de Terre-Neuve réservée par les Traités aux pêcheurs Français, votre Seigneurie avait annoncé, en terminant Sa lettre du 24 Août dernier, que le Gouvernement de Sa Majesté la Reine allait examiner la question de savoir si la suppression de ces engins de pêche serait réellement avantageuse, ainsi que les autorités Françaises l'avaient déjà reconnu.

Il résulte de renseignements adressés au Gouvernement de la République par le Commandant de la Division Navale de Terre-Neuve que, pendant le cours de la campagne de pêche qui vient de s'achever, les officiers de la marine Britannique se sont convaincus de l'étendue des dommages occasionnés par les trappes en question. Le Capitaine Hamond a même pris l'initiative d'en défendre l'emploi sur le "French Shore" dans le voisinage des exploitations Françaises, et mon Gouvernement se plaît à reconnaître la spontanéité conciliante de ce procédé.

Mais il y aurait un grand intérêt à ce que cette mesure d'interdiction devînt générale. Les rapports des autorités navales Britanniques à Terre-Neuve, après l'enquête faite cette année, concluront certainement dans ce sens ; et je suis chargé par mon Gouvernement de signaler spécialement à votre Seigneurie combien il importerait que le Gouvernement de Sa Majesté la Reine s'appropriât de telles conclusions et imitât l'exemple des autorités Françaises, en interdisant désormais d'une façon absolue, sur toute l'étendue du "French Shore," à ses nationaux, l'usage des trappes à morue.

J'ai, &c.
(Signé) L. D'AUBIGNY.

(Translation.)

My Lord, *London, October* 7, 1887.

IN reply to the representations made by M. Waddington with the object of obtaining the prohibition of the use of cod-traps by the subjects of Great Britain in all the Newfoundland waters which are reserved by Treaty for the use of French fishermen, your Lordship announced, at the end of your letter of the 24th August last, that Her Majesty's Government would examine into the question whether the suppression of these fishing engines would be of real advantage, as the French authorities had already declared.

From information addressed to the Government of the Republic by the Commander of the Naval Station of Newfoundland, it appears that in the course of the fishing season which has just closed, the British naval officers were convinced of the extent of the damage occasioned by the traps in question. Captain Hamond even took the initiative in prohibiting their use on the "French Shore" in the neighbourhood of the French operations, and my Government gladly recognizes the conciliatory spirit of this proceeding.

But it is of great interest that this prohibitory measure should become general. The reports of the British naval authorities at Newfoundland, after the inquiry made this year, clearly point to this conclusion ; and I am instructed by my Government to specially point out to your Lordship how important it is that Her Majesty's Government should adopt these conclusions and imitate the example of the French authorities, by absolutely forbidding henceforward the use of cod-traps by British subjects over the whole extent of the "French Shore."

I have, &c.
(Signed) L. D'AUBIGNY.

No. 77.

The Marquis of Salisbury to Count d'Aubigny.

M. le Chargé d'Affaires, *Foreign Office, October* 19, 1887.

WITH reference to the inquiry made by you on the occasion of your visit to the Foreign Office on the 20th ultimo, I have the honour to transmit herewith a copy of the Act passed by the Legislature of Newfoundland on the 21st February last, to regulate the exportation and sale of herring, capelin, squid, and other bait fishes. This Act has received the Royal confirmation, and the Government of Newfoundland have signified their intention of putting it in force during the next fishing season.

I have to add that the Government of the Colony has reported by telegraph that licence will be freely granted to British subjects on that portion of the Newfoundland coast to which French Treaty rights extend to catch and sell bait on the spot, but they will not be permitted to engage in the exportation of bait to St. Pierre or elsewhere. On the other parts of the coast the Act will be rigorously enforced.

I have, &c.
(Signed) SALISBURY.

No. 78.

M. Waddington to the Marquis of Salisbury.—(Received November 11.)

M. le Marquis, *Londres, le* 10 *Novembre*, 1887.

JE viens de recevoir de mon Gouvernement copie des documents contenant les réclamations soulevées à Port Saunders par les procédés d'un Sieur Shearer, propriétaire d'une usine à homards et sur l'incident qu'elles ont provoqué.

En m'adressant ces informations, M. Flourens me fait savoir qu'il n'a pas l'intention, en présence du bon vouloir manifesté cette année par les croiseurs Britanniques, de revenir sur la solution poursuivie par le Commandant Humann, bien qu'elle eût laissé subsister l'usine construite par Shearer. Toutefois, M. le Ministre des Affaires Étrangères me prie de vous faire savoir qu'il est bien entendu que le fait d'avoir toléré cette usine ne saurait être interprété en aucun cas comme un abandon de notre doctrine en ce qui touche les atteintes portées de ce chef à nos droits et m'a recommandé de faire auprès de Votre Seigneurie pour les transmettre à qui de droit les réserves les plus expresses à cet égard.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, November* 10, 1887.

I HAVE just received from my Government copies of the documents containing the claims raised at Port Saunders in consequence of the proceedings of a Mr. Shearer, owner of a lobster factory, and the incident to which they have given rise.

M. Flourens, in furnishing me with this information, gives me to understand that, in view of the good-will shown this year by the British cruizers, he has no intention of modifying the settlement made by Commander Humann, although the factory constructed by Shearer is thereby allowed to remain. Nevertheless, the Minister for Foreign Affairs wishes me to explain to you that it must be well understood that the fact of having tolerated this factory must never be construed as an abandonment of our doctrine with regard to infringements of our rights under this head, and has instructed me to make the most explicit reservations on this point to your Lordship, to be transmitted to the proper authorities.

I have, &c.
(Signed) WADDINGTON.

No. 78*.

Colonial Office to Foreign Office.—(Received November .)

Sir, *Downing Street, November* 19, 1887.

WITH reference to the letter from this Department of the 30th April last,* relating to certain objections expressed by the Government of Canada to the Bait Bill passed by the Legislature of Newfoundland, I am directed by Secretary Sir Henry Holland to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing copy of one which he had addressed on the subject of the Bait Bill to the Government of Newfoundland.

I am also to inclose a copy of the despatch from the Secretary of State to which the Marquis of Lansdowne's present despatch is a reply.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 78*.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, October* 26, 1887.

I HAVE the honour to forward herewith, for your information, a copy of a despatch which I have addressed to his Excellency the Governor of Newfoundland, transmitting a copy of an approved Report of a Committee of the Privy Council upon the subject of the Newfoundland Bait Bill.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 78*.

The Marquis of Lansdowne to Governor Blake.

Sir, *Government House, Ottawa, October* 20, 1887.

I HAVE the honour to transmit to you, for communication to your Government, a copy of an approved Report of a Committee of the Privy Council of Canada, to which is appended a copy of a despatch from the Secretary of State for the Colonies of the 20th May last, inclosing copies of a correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

You will observe that my Ministers are desirous that your Government will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 3 in No. 78*.

Certified Copy of a Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 11*th October,* 1887.

THE Committee of the Privy Council have had under consideration a despatch dated the 20th May, 1887, from Sir Henry Holland, inclosing copies of correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

The Minister of Marine and Fisheries, to whom the papers were referred, reports as follows :—

It appears from the correspondence that a copy of the Minute of Council dated

* No. 52.

the 11th April, 1887, urging the objection taken by the Canadian Government to the Bait Bill becoming law, was submitted to Sir R. Thorburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the Government of Newfoundland, in the passage of this Bill, were not actuated by any desire to curtail the privileges of British fishermen, and had no intention of allowing the Law to be operated to their prejudice ; that no Regulations were proposed which would unnecessarily hamper the operations of their own and British fishermen, and that every facility would be afforded for procuring the licences under the Act.

Sir R. Thorburn also authorized the dispatch of a telegram by the Attorney-General of Newfoundland to the Canadian Government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects,

These assurances appeared to Her Majesty's Government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the Bill.

The Committee, concurring in the Report of the Minister of Marine and Fisheries, respectfully recommend that your Excellency be moved to transmit a copy of the despatch above mentioned, and inclosures (permission having been obtained from the Colonial Secretary) to his Excellency the Governor of Newfoundland, for the consideration of his Ministers, and with a request that they will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

The Committee further recommend that your Excellency be also moved to transmit a copy of this Minute to his Excellency the Governor of Newfoundland.

All which is respectfully submitted for approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 4 in No. 78*.

Sir H. Holland to the Marquis of Lansdowne.

My Lord, *Downing Street, May* 20, 1887.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th April,* forwarding a Minute of the Privy Council urging objections to the Bill for regulating the sale of bait passed in the present Session of the Newfoundland Legislature.

I caused your despatch and its inclosures to be referred to Sir R. Thorburn and Sir A. Shea, who had been delegated by the House of Assembly of Newfoundland to make representations to Her Majesty's Government on the subject of this Bill, and I inclose, for communication to your Ministers, copies of their replies,† and also copy of a Memorandum by Sir Alexander Campbell,‡ whom I consulted on the subject.

The explanations given by Sir R. Thorburn as to the scope of the measure, and his assurances as to the manner in which it will be worked, appeared to Her Majesty's Government to offer sufficient safeguards for Canadian interests, and they did not, therefore, hesitate to advise Her Majesty to assent to it.

Should your Government desire such a formal assurance as to the issue of licences under the Act as is suggested in the fourth paragraph of Sir A. Campbell's Memorandum, I have no doubt it will be readily given by the Government of Newfoundland.

I have, &c.
(Signed) H. T. HOLLAND.

No. 79.

M. Waddington to the Marquis of Salisbury.—(Received November 23.)

M. le Marquis, *Londres, le* 21 *Novembre,* 1887.

A LA date du 19 Octobre dernier, Votre Seigneurie a notifié officiellement à mon Gouvernement, par l'entremise de cette Ambassade, la sanction définitive donnée par

* Inclosure 1 in No. 52. † Inclosures 3 and 6 in No. 52.
‡ Inclosure 7 in No. 52.

le Gouvernement de Sa Majesté Britannique au Bill sur la Boëtte, et dans la même communication Elle ajoutait que, d'après un télégramme du Gouverneur de Terre-Neuve, les dispositions de ce Bill, en ce qui concerne la pêche de l'appât, devaient être entendues en ce sens que: "Les sujets Britanniques pourront sur toute l'étendue du 'French Shore' pêcher et vendre sur place la boëtte, à condition de ne point se livrer à l'exportation de ce produit soit à St.-Pierre, soit ailleurs."

Cette prétention du Gouvernement Local de Terre-Neuve à réglementer la pêche par mesures législatives, ou simplement administratives, sur le littoral de Terre-Neuve réservé à nos pêcheurs, a provoqué de la part du Ministre de la Marine des observations que M. le Ministre des Affaires Étrangères m'a prié de porter à la connaissance de Votre Seigneurie.

En donnant aux dispositions du Bill le sens précité, M. Flourens estime que le Gouvernement Colonial paraît avoir perdu de vue que, pendant la saison de pêche, la libre disposition du rivage, et la libre exploitation des champs de pêche, sur toute l'étendue du "French Shore," sont garanties à nos pêcheurs par des Actes Internationaux dont il n'est pas en son pouvoir d'entraver ou de modifier l'application.

Le Gouvernement de la Reine, il est vrai, s'est souvent efforcé de faire prévaloir une interprétation de la lettre des Traités sensiblement différente de celle que mon Gouvernement a toujours soutenue, et a contesté notre thèse du droit exclusif, d'après laquelle, pendant la période dont il s'agit, la pêche devrait être réservée à nos nationaux. Mais, du moins, le Gouvernement de la Reine a-t-il toujours reconnu que notre droit, qu'il appelle concurrent, était privilégié et primait tous les autres droits.

Je suis chargé par mon Gouvernement de faire part à Votre Seigneurie des réserves auxquelles a donné lieu, de notre part, la mesure annoncée par le télégramme du Gouverneur de Terre-Neuve, et de vous prier de ne pas lui laisser ignorer que nous sommes décidés à réserver à nos nationaux la pêche de l'appât sur toute l'étendue de côte, et pendant toute la période, qui leur sont attribuées par les Traités. Mon Gouvernement, en me priant de faire connaître cette décision à Votre Seigneurie, a d'ailleurs la confiance qu'il me suffira de la signaler au Gouvernement de la Reine, pour qu'il donne lui-même les instructions nécessaires en vue de prévenir, ou faire disparaître, tout établissement qui serait de nature à entraver l'exercice de ce droit.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, November* 21, 1887.

ON the 19th October last Your Lordship officially notified to my Government through this Embassy the definite sanction by Her Britannic Majesty's Government of the Bait Bill, and added in the same communication that, according to a telegram from the Governor of Newfoundland, the provisions of this Bill as regards the bait fishery should be understood in the following sense: "Licence will be freely granted to British subjects on that part of the Newfoundland coast to which French Treaty rights extend to catch and sell bait on the spot, but they will not be permitted to engage in the exportation of bait to St. Pierre or elsewhere."

This attempt of the Local Government of Newfoundland to regulate the fishery by legislative or simply administrative measures on the coast of Newfoundland reserved for the use of our fishermen has called forth certain observations on the part of the Minister of Marine, which the Minister for Foreign Affairs has asked me to bring to Your Lordship's knowledge.

In interpreting in the above sense the provisions of the Bill, M. Flourens considers that the Colonial Government appear to have lost sight of the fact that, during the fishing season, the free allotment of the bank, and the free working of the fishing localities, throughout the extent of the "French Shore," are guaranteed to our fishermen by International Treaties, the application of which it is impossible either to prevent or to modify.

It is true that Her Majesty's Government have often endeavoured to place an interpretation on the letter of the Treaties widely differing from that which my Government have always upheld, and have contested our theory of exclusive right, by which, during the time in question, the fishery should be reserved for the use of our countrymen. But Her Majesty's Government have at least always recognized that our right, which they called concurrent, was privileged and took precedence of all other rights.

I am instructed by my Government to acquaint Your Lordship with the reservations on our part which have been caused by the measure announced in the telegram

from the Governor of Newfoundland, and to beg you to let him understand that we have decided to reserve for the use of our countrymen the bait fishery on the whole extent of the coast, and during the whole period granted them by the Treaties. My Government, in instructing me to inform Your Lordship of this decision, is, moreover, confident that it will be sufficient to point it out to Her Majesty's Government to induce them to give the necessary instructions themselves to prohibit or cause to be removed all establishments likely to interfere with the exercise of this right.

I have, &c.
(Signed) WADDINGTON.

No. 80.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, December* 16, 1887.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 21st ultimo, in which, after commenting on the decision of the Newfoundland Government to enforce the provisions of the Bait Act, your Excellency announced that the French Government have determined to reserve to French citizens the right of catching bait over the whole extent of the coast to which French Treaty rights extend, and express the hope that instructions will be given for the removal of all establishments which may interfere with the exercise of that right.

I beg leave to acquaint your Excellency, in reply, that by section 11 of the Bait Act French Treaty rights have been carefully reserved and protected.

I have, &c.
(Signed) SALISBURY.

No. 81.

Sir H. Holland to Governor Blake.

(Extract.) *Downing Street, December* 23, 1887.

IN my despatch of the 13th August last I forwarded to the Officer administering the Government of Newfoundland copies of a correspondence with the Foreign Office and the Admiralty relating to the demand made by the Government of France for the removal of the British lobster factories which have been established on that part of the coast of Newfoundland where the French have fishery rights.

I now inclose a copy of a further correspondence, and you will see from the note addressed by Count d'Aubigny to the Marquis of Salisbury of the 6th October that the French Government reiterate and insist upon their demand that these lobster factories should be removed.

In my despatch of the 11th February last I informed Sir W. des Vœux that "the French Government had approved the removal of some lobster factories established on the coast by French subjects," and "that although the correspondence with the French Government was still incomplete as to the removal of the British factories, your Government must be prepared for that Government insisting upon their removal."

Sir William Des Vœux informed me, in his despatch of the 19th March last, that although his Ministers were not prepared to take legislative or executive action for the removal of the lobster factories complained of by the French, they would at once notify to the persons concerned that as Her Majesty's Government concurs with the French Government in regarding the presence of lobster factories on the coast in question as a contravention of Treaty, it might be expected that measures would be taken for closing and removing them, and, under such circumstances, the owners would not be entitled to compensation.

In the British Declaration attached to the Treaty of Versailles the King undertook to "give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future," and "to this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty promised to take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland," and "that

he would for this purpose cause the fixed settlements which should be formed there to be removed."

Her Majesty's Government have never denied that this undertaking to remove fixed settlements applied to fixed fishery establishments.

There is another matter which has already formed the subject of correspondence with your predecessor, and in regard to which the French Government have also addressed some pressing representations to Her Majesty's Government. I refer to the use of cod-traps by British subjects on the coast of Newfoundland within the French fishery limits.

The Secretary of State, writing to the Governor of Newfoundland on the 18th October, 1886, drew attention to the opinion of Captain Hamond, of the "Emerald," to the effect that the cod-traps are a constant source of trouble between the French and British fishermen, and that in many cases they interfere with the French seine fishing; and Lord Clanwilliam, lately Naval Commander-in-chief on the Station, reported to the Admiralty that "until fishing with cod-traps is made illegal, their continued use will lead to serious difficulties between the French and English, and it has been stated by a French naval officer that British residents on the coast have begged him, in their own interests, to remove these traps."

These considerations were submitted to the Government of Newfoundland, but Sir William Des Vœux reported in his despatch of the 19th March that the Government did not propose to legislate in the matter, but would give a notice similar to that above referred to in respect of lobster factories to the effect that their use on the coast in question will render them liable to seizure or destruction.

I inclose, for the information of your Ministers, copies of the representations received from the French Government, to which I have above alluded, and of a note addressed to the French Ambassador at this Court, on the 24th August last, in regard to claims of French citizens in connection with alleged losses occasioned to them by the use of these traps.

You will see that Her Majesty's Government have admitted that "if cod-traps are used by British fishermen in fishing grounds within the French fishery limits, which are *bonâ fide* required by French fishermen for their own use, the latter have a right to demand that such fishing grounds be vacated, and to call upon the proper authority to enforce their demand."

This being the case, it has become obligatory upon the Imperial Government to take care that the requisite legislation is completed without any unnecessary delay. It is the duty of the Government of Newfoundland to propose to the local Legislature the measure necessary to enable such steps to be legally taken as are requisite for fulfilling the obligations imposed upon Her Majesty by Treaty, and to use its best efforts to secure its enactment.

If the Legislature of Newfoundland, when thus called upon, declines to legislate as desired, it will not be entitled to expect the support of Her Majesty's Government in matters at issue with the French Government in connection with the fisheries; and an Act of the Imperial Parliament will have to be obtained.

Her Majesty's Government lately advised the Queen to give her sanction to a Bill relating to bait, the operation of which may seriously interfere with French interests, and they took this course in a matter not coming within Treaty stipulations, upon the strong representations of the Newfoundland Government, that it was in the interests of the colonists of Newfoundland that the measure should be allowed to come into operation. They trust that, on their part, the Newfoundland Government and Legislature will act in a similar spirit, and will at once pass the measure which is required to insure the due execution of Her Majesty's Treaty obligations.

No. 82.

M. Waddington to the Marquis of Salisbury.—(Received January 13.)

M. le Marquis, *Londres, le 11 Janvier*, 1888.

LE Chargé d'Affaires de France a eu l'honneur, par une lettre du 7 Octobre dernier, de faire connaître à Votre Seigneurie la communauté de vues qui s'était établie à Terre-Neuve entre les officiers des marines Française et Anglaise relativement à l'utilité d'interdire l'usage des trappes à morues. Je reçois aujourd'hui de mon Gouvernement communication de nouveaux rapports du Commandant de la Division Navale Française, qui ont trait à l'ensemble des opérations de la dernière campagne de pêche.

Dans ces rapports, le Commandant Humann signale une fois de plus la bonne harmonie qui n'a cessé de régner entre les officiers Anglais et lui, et je suis chargé de faire parvenir à votre Seigneurie des remerciements pour les nombreuses marques de courtoisie que le chef des forces navales Françaises a reçues de ceux-ci. Mon Gouvernement me prescrit en même temps de rappeler au Cabinet de St. James la question précitée des trappes à morue et de lui signaler une fois de plus tout le prix qu'il attacherait à ce que cette affaire pût être promptement réglée dans le sens que les autorités compétentes, tant Anglaises que Françaises, sont unanimes à considérer comme le plus favorable aux intérêts engagés.

Dans ces mêmes rapports, le Commandant Humann revient sur une autre question qui n'a pas une moindre importance au point de vue de la bonne organisation du régime de la pêche, je veux parler de l'utilité qu'il y aurait à obliger les goélettes indigènes à porter une marque extérieure (un numéro peint dans la voile) permettant de les reconnaître aisément et les empêchant de se soustraire aux investigations de la justice. Je n'ai point à rappeler ici les inconvénients qui résultent de l'absence d'une règle semblable. Ils n'ont pas moins frappé le Commandant des Forces Navales Anglaises que le Commandant Français, si bien que, dans cette question, M. Humann s'est trouvé complètement d'accord avec le Commodore Hamond qui a dû adresser à l'autorité Britannique compétente des propositions conformes. Mon Gouvernement se plait par suite à penser que Votre Seigneurie voudra bien entrer Elle-même dans ces vues et prendre des dispositions pour qu'il soit procédé à leur réalisation. J'attacherais un prix particulier à recevoir dès qu'il sera possible la réponse du Gouvernement de Sa Majesté la Reine sur les deux points que je me permets de signaler une fois de plus à son attention.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, January* 11, 1888.

THE French Chargé d'Affaires had the honour, by a note of the 7th October last, to inform Your Lordship of the views arrived at in common by the French and English naval officers in Newfoundland relative to the advantage of prohibiting the use of cod-traps. I have to-day been furnished by my Government with fresh reports from the Commander of the French Naval Division on the whole subject of the operations of the last fishing season.

In these reports Commander Humann once more describes the harmony which has never ceased to exist between the English officers and himself, and I am instructed to thank Your Lordship for the numerous marks of courtesy which the chief of the French naval forces has received from them. At the same time, my Government wish me to again call the attention of the Cabinet of St. James' to the above-mentioned subject of the cod-traps, and to once more point out to you the importance they attach to the prompt settlement of this matter in the sense which the competent authorities, both English and French, are unanimous in considering most favourable to the interests engaged.

In these same reports Commander Humann raises another question which is no less important from the point of view of the proper organization of the fishing regulations: I mean the advantage to be gained by obliging the local schooners to carry an outward mark (a number painted on the sail), so that they may be easily recognized and prevented from escaping the investigations of justice. I have no need to dwell here on the inconveniences resulting from the absence of such a rule. They have struck the Commander of the English naval forces not less than the French Commander; so much so, that on this question M. Humann found himself in entire agreement with Commander Hamond, who must have submitted proposals in this sense to the competent British authority. My Government is accordingly inclined to believe that Your Lordship would yourself adopt these views, and take steps to carry them into effect. I should attach special importance to receiving, as soon as possible, the reply of Her Majesty's Government on the two points which I have allowed myself to once more lay before them.

I have, &c.
(Signed) WADDINGTON.

No. 83.

Admiralty to Foreign Office.—(*Received January* 16.)

(Extract.) *Admiralty, January* 13, 1888.

I AM commanded by my Lords Commissioners of the Admiralty to forward, for the information of the Secretary of State for Foreign Affairs, a copy of the Report on the Newfoundland Fisheries for the season of 1887, forwarded by Vice-Admiral Lyons in a letter dated the 5th November last, an extract of which is also inclosed.

My Lords desire to call the attention of the Secretary of State to the following points referred to in the inclosed Reports :—

The satisfactory relations which appear to have existed, during the past season, between the British and French officers employed on the fisheries.

My Lords request that any instructions which it may be decided to issue may be communicated to the Admiralty in good time, respecting the question of closing lobster factories.

In connection with the wreck of the "Belem" their Lordships desire to call attention to the suggestion contained in paragraph 5 of the inclosed Report, as to the advisability of registering and marking the Newfoundland schooners.

As regards the sale of bait to the French on the south coast of Newfoundland, I request to be informed whether the instructions contained in the Colonial Office letter of the 5th April, 1887,* are still to be accepted by naval officers for their guidance on that point.

My Lords propose, with the concurrence of the Secretary of State, to approve of the manner in which the officers employed on the fisheries have performed the duties intrusted to them during the season just closed.

Inclosure 1 in No. 83.

Vice-Admiral Lyons to Admiralty.

(Extract.) *"Bellerophon," at Bermuda, November* 5, 1887.

I HAVE the honour to submit herewith Reports from the officers in command of Her Majesty's ships stationed on the Newfoundland coast during the season which has now closed.

Captain Hamond, of the "Emerald," as Senior Officer, brought to bear on the delicate duties with which he was intrusted the same tact and intelligence as was shown by him last year.

He expresses himself as having been zealously supported by Commander Gibson, of the "Lily," and by Lieutenant-Commander Masterman, of the "Bullfrog."

The relations between the two Senior Officers would appear to have been most cordial, and a mutual good understanding to have existed generally between the French and English officers.

The lobster factory at Port Saunders formed the subject of correspondence between Captain Hamond and Commodore Humann. In the early part of the season Lieutenant-Commander Masterman, acting on a complaint from the French Senior Officer that the lobster fishing was interfering with the French hauling their seines, prohibited Mr. Shearer, the manager of the factory, from setting traps on those parts of the coast objected to. This order was at once obeyed.

Commodore Humann subsequently requested that Mr. Shearer should be told to close his establishment at the end of the season, adding that, if it was open at the beginning of the next one, he should be obliged to oppose its operations. Notwithstanding the French objection to the lobster-tinning establishments, two, owned by French subjects, have again been working this year, and these belong to the same individuals referred to in M. Waddington's letter of the 25th August, 1886, as having been ordered to suppress them.

As I have already pointed out, the lobster factories generally are a great boon to the poorer classes of the inhabitants by giving them employment. If worked without causing injury to the general operations of French and English fishermen alike, which, for the most part, they certainly are, their maintenance cannot but be beneficial to the Colony.

The case of the wreck on the Labrador coast of the French brig "Belem," and

* No. 48.

the subsequent pillaging of that vessel, has already been reported. There can be no doubt that the crews of the Newfoundland schooners were the principal actors in the pillaging, as also that they are the cause of much of the trouble which occurs periodically on the coasts of Labrador and Newfoundland.

Captain Hamond points out the extreme desirability of these vessels being registered and properly marked, without which their identification is almost impossible.

As the French will be prevented by law, next year, from purchasing bait on the south coast of Newfoundland, I would inquire whether, with the exception of Article 17, the naval officers employed on the fisheries should be again directed to carry out the spirit of the Fishery Arrangement provisionally signed at Paris in November 1885.

Inclosure 2 in No. 83.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 25, 1887.

I HAVE the honour to forward the Fishery Reports for the past season from Her Majesty's ships "Emerald," "Lily," and "Bullfrog." The two last-named ships have been by my orders kept cruizing on those parts where the French fishing operations are carried on.

Both Commander Gibson and Lieutenant-Commander Masterman have shown great interest in their work, and performed their duty with zeal and to my entire satisfaction.

The correspondence between Commodore Humann and myself I have forwarded separately, the chief point of which centres on the subject of Port Saunders, relative to Mr. Shearer's lobster factory; and on the case of the "Belem."

In the case of the lobster factory at Port Saunders I will not add to my copies of correspondence with the French Commodore.

As regards the "Belem," a French brig, wrecked at L'Anse-à-Loup in Labrador, I have sent in the whole correspondence on the subject. I differ from Judge Bennett in his opinion that the captain of the brig lost his ship purposely. I think that he proved himself a most incapable man, that he might have avoided all wreckage of his vessel, and that he showed himself indifferent and unwilling to give assistance to both Judge Bennett and Lieutenant-Commander Masterman in reclaiming his goods. Three men have been convicted and punished, and the Newfoundland Government are doing their best by further investigation with a view to punishing guilty parties.

I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered. These wants have been brought forward by my predecessors on former occasions, and I believe by Her Majesty's Government, to the notice of the Newfoundland Government, but with no result. As matters stand now those schooners which fit out for their summer voyage for fish are under no control whatever. With proper means for identifying vessels I believe the greater part of the wrecking of the "Belem" would not have occurred.

I have written strongly on this point of the schooners to show one of the difficulties that the Captains of Her Majesty's ships have to contend with, as these errant schooners are the cause of the greater part of the trouble that occurs.

Only seventeen French rooms were working this season on the coast, against twenty-two last year. Possibly next season there may be an increase owing to the Bait Bill, and they would probably work in conjunction with the Bank fishery.

The question of cod-traps has not come prominently forward this year, and I hope that they will die out, as I question if the merchants will supply new ones. The majority of the fishermen I have spoken to on the subject tell me they are the curse of the country, and have ruined the shore fishery.

In conclusion, I must add that my relations with Commodore Humann have been most cordial, and that there has been a mutual good understanding between the French and English officers.

I have, &c.
(Signed) RICHD. H. HAMOND.

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called for, that there are several new ones set up this season. In most cases they benefit the inhabitants by giving them constant employment, and, if the French do not make objections to them, it may be a matter of policy to let the whole subject rest; but I hope that instructions may be given me for the next season.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 7 in No. 83.

Captain Humann to Lieutenant-Commander Masterman.

M. le Commandant, *Havre de Saint-Jean, le 23 Août*, 1887.

J'AI été informé par M. le Commandant Carpentier des mesures que vous avez prises pour faire saisir par la justice les gens de l'Anse-à-Loup, coupables du pillage du brick Français le "Belem," et je vous prie d'agréer mes plus vifs remercîments pour cette intervention.

D'autre part, je dois vous informer que les postes de pêche de l'Île Keppel et de Port Saunders devant être concédés l'an prochain à l'un de nos bâtiments, l'usine à homard du Sieur Shearer ne peut continuer à fonctionner dans ces conditions sans gêner la pêche des Français d'une façon constante. Je vous prie donc de vouloir bien l'avertir qu'il ait à fermer sa factorerie à la fin de la présente saison, et s'il ne se conformait pas à cet ordre, je me verrais obligé de m'opposer à ses opérations dès le début de la campagne de pêche.

Veuillez, &c.
(Signé) E. HUMANN,
Chef de la Division Navale de Terre-Neuve.

(Translation.)

Sir, *St. John's Harbour, August* 23, 1887.

I HAVE been informed by Commander Carpentier of the steps taken by you for the apprehension of the people at l'Anse-à-Loup guilty of the pillage of the French brig "Belem," and I beg you to accept my warmest thanks for your action.

On the other hand, I have to inform you that, in view of the fact that the fishing stations at Keppel Island and at Port Saunders are to be allotted next year to one of our vessels, Mr. Shearer's lobster factory cannot, under these circumstances, continue to be worked without constantly hindering the fishery of the French. I therefore beg you to be so good as to warn him that he must close his factory at the end of this season, and if he does not obey this order I shall be obliged to prevent his operations the moment the fishing season has opened.

I have, &c.
(Signed) E. HUMANN,
Commander of the Naval Division in Newfoundland.

Inclosure 8 in No. 83.

Lieutenant-Commander Masterman to Captain Humann.

Sir, *"Bullfrog," at Forteau, September* 16, 1887.

AS I have been disappointed in my expectation of meeting Captain Hamond before leaving Port Saunders, and Mr. Shearer having been away, I can only acknowledge, with thanks, by this mail, the receipt of your letter of the 23rd August, handed to me by Lieutenant-Commander Farret, commanding the "Drac."

I will inform you, by the earliest opportunity, when Mr. Shearer has been communicated with.

I also beg to acknowledge the receipt of an official communication from you, addressed to Captain Hamond, which I will deliver to him as soon as possible.

I have, &c.
(Signed) J. MASTERMAN.

Inclosure 9 in No. 83.

Lieutenant-Commander Masterman to Mr. Shearer.

Sir, *"Bullfrog," at Port Saunders, September* 24, 1887.

HAVING received from Captain Humann, Senior French Naval Officer, Newfoundland, a notification to the effect that the fishing station of Keppel Island and Port Saunders has been allotted next year to one of their ships, and that the factory you work in Port Saunders will interfere very much with their fishing if carried on as at present—

I have to inform you that you will continue working your factory next season at great risk, for on any reasonable complaint on the part of the French of your operations interfering with the full enjoyment of their fishing rights your factory will be suppressed.

I have, &c.
(Signed) J. MASTERMAN.

Inclosure 10 in No. 83.

Captain Hamond to Captain Humann.

Sir, *"Emerald," at Halifax, October* 25, 1887.

I HAVE the honour to address you on the subject of your letter to Lieutenant-Commander Masterman, of Her Majesty's ship "Bullfrog," in connection with Mr. Shearer, and showing the contemplated fishing-grounds of one of your fishing-vessels next year.

Our best endeavours will be used, as heretofore, to prevent any interruption to the fishing of French subjects, and any case will meet with the most careful attention on the part of the Captains of Her Britannic Majesty's ships when referred to them by the French naval officers or your own fishermen. At the same time, I hold each case must stand on its own merits, and be dealt with at the time it occurs.

I may add that my instructions are opposed to any such action against British subjects as is suggested in your letter.

I beg to thank you for your courtesy in reference to Lieutenant-Commander Masterman's proceedings in the case of the "Belem."

I have, &c.
(Signed) RICHD. H. HAMOND.

No. 84.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, January* 25, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 11th instant, in which, after expressing the acknowledgments of the French Government for the courtesy shown by the British naval officers to the French Senior Naval Officer in Newfoundland waters during the last fishery season, your Excellency again draws attention to the question of cod-traps and to the expediency of affixing distinctive marks to Newfoundland local fishing-vessels, and presses for the prompt adoption of the necessary measures in respect of both these matters.

I hasten to acquaint your Excellency, in reply, that Her Majesty's Government have read with much satisfaction the testimony borne by the French Government to the good relations subsisting between British and French naval officers on the Newfoundland Station, and that no time shall be lost in again communicating with the Newfoundland Government upon the other points referred to in your note.

I have, &c.
(Signed) SALISBURY.

No. 85.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January 25, 1888.*

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before the Secretary of State for the Colonies, the accompanying copy of a note from the French Ambassador at this Court,* in which, after expressing the acknowledgments of the French Government for the courtesy shown by the British naval officers to the French Senior Naval Officer in Newfoundland waters during the recent fishery season, his Excellency again calls attention to the question of cod-traps, and to the expediency of affixing distinctive marks to local Newfoundland fishing-vessels, and presses for the prompt adoption of the necessary measures in respect of both these matters.

I am to observe that no steps appear to have been taken with regard to the latter of the two questions raised by M. Waddington since the adoption of the provision relating to it which was inserted as Article VI in the Agreement of November 1885, and I am to ask that Lord Salisbury may be favoured with an early expression of Sir H. Holland's views on the point.

As regards the question of cod-traps, Lord Salisbury would suggest that the Government of Newfoundland might be requested by telegraph to take speedy action in the matter.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 86.

Sir H. Holland to Governor Blake.

Sir, *Downing Street, February 2, 1888.*

I HAVE the honour to acquaint you that I have this day telegraphed to you that I considered it of the utmost importance that there should be colonial legislation with regard to cod-traps, and desiring you to do your utmost to secure early action by your Government in the matter.

I have, &c.
(Signed) H. T. HOLLAND.

No. 87.

The Governor of Newfoundland to Sir H. Holland.—(Received at the Foreign Office, February 7, 1888.)

(Telegraphic.)

I HAVE received your telegram, and will endeavour to get a Cod-trap Bill passed in coming Session of Legislature. Success, however, is not certain.

No. 88.

Colonial Office to Foreign Office.—(Received March 1.)

Sir, *Downing Street, February 29, 1888.*

WITH reference to previous correspondence relating to the removal of lobster factories, the suppression of cod-traps on certain parts of the coast of Newfoundland, and the marking of vessels engaged in the fisheries, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a communication received from Sir Robert Thorburn on the subject.

2. As regards the removal of lobster factories and the suppression of cod-traps, Sir Henry Holland proposes to await the result of the action of Sir R. Thorburn in the matter after his arrival in the Colony, before deciding as to the necessity of Imperial legislation.

3. As to the marking of ships, Sir Henry Holland, with the concurrence of Lord

* No. 82.

Salisbury, would suggest to the Lords Commissioners of the Admiralty that the Senior Naval Officer on the station be instructed to ascertain, on his arrival at St. John's, the exact state of the law in the Colony applicable to vessels engaged in the fisheries to which the French complaint of non-possibility of identification refers. If he finds that the law is sufficient, if duly enforced, to insure the identification of vessels, he should warn off vessels not complying with the Statute, or take such other steps as may insure such compliance, or punishment in default of it. Should, however, he ascertain that the law is insufficient, a report of the facts should be submitted.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 88.

Sir R. Thorburn to Colonial Office.

Sir, *Colonial Office, February* 16, 1888.

REFERRING to our conversation about distinctive marks on Newfoundland fishing-vessels, I beg to say that all registered decked vessels employed in the Colony are required to be plainly marked on the stern in the same manner as prescribed in "The Merchant Shipping Act, 1854," 17 & 18 Vict., cap. 104, sec. 19, which I take it to be is in force in the Colony of Newfoundland, in the Consolidated Statutes thereof.

From my own knowledge in practice I know that a vessel sailing without her name so marked renders her owner liable to a penalty in Newfoundland.

There can be, therefore, little trouble in identifying any Newfoundland vessels contravening Treaty rights.

Open boats could not be marked in any manner such as to identify them, but they cannot, in any case, interfere seriously with French fishermen, and we may assume that any complaints do not apply to this class of vessel.

With respect to the question of cod-traps used on that portion of the Newfoundland coast where the French enjoy certain fishery privileges, and lobster factories situated on same territory, I think it is contemplated to introduce a Bill during the present Session of the Newfoundland Legislature regulating the distance between the location of lobster factories on other parts of the coast, and it has occurred to me that advantage might be taken in the introduction of this Act to deal with the question of setting cod-traps and locating lobster factories by a system of licence, and providing for the removal, at expense of the Government, of lobster factories at present erected on the so-called French Shore, understood to be contrary to Treaty. If such a Bill could be passed through the Newfoundland Legislature (and I think there is a better chance of it in this shape than in any other), the Colonial Government would then be vested with the power of removing those few lobster factories, and refusing licences for the use of cod-traps in the localities complained of, which would get over the difficulty complained of by Her Majesty's Government in improvising Imperial legislation to accomplish the same end.

As I hope to return to Newfoundland two weeks hence, I could ascertain how far the views given above can be carried out.

I have, &c.
(Signed) ROBERT THORBURN.

No. 89.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, March* 1, 1888.

WITH reference to previous correspondence relating to the question of the removal of lobster factories and the suppression of cod-traps on certain parts of the coast of Newfoundland, I have the honour to transmit to you herewith, for the information of yourself and of your Ministers, a copy of a letter addressed to me by Sir R. Thorburn on the subject.

Sir R. Thorburn's letter also refers to the question of the proper marking and registering of vessels, which has formed the subject of a representation from the French

Ambassador at this Court, of which a copy is inclosed, together with copies of a letter from the Foreign Office, and of the reply which has been returned to it by my direction.*

I have, &c.

(Signed) KNUTSFORD.

No. 90.

M. Waddington to the Marquis of Salisbury.—(Received March 5.)

M. le Marquis, *Londres, le 3 Mars*, 1888.

VOTRE Seigneurie a bien voulu me faire savoir, par Sa lettre du 25 Janvier dernier que les demandes de mon Gouvernement concernant l'emploi des trappes à Terre-Neuve et les marques à imposer aux goélettes nomades allaient faire l'objet d'un nouvel examen, dont le résultat me serait prochainement communiqué.

En vue de faciliter cet examen et de corroborer les observations que je vous ai déjà soumises, je crois devoir vous faire part de nouvelles indications qui me sont communiquées par mon Gouvernement. D'abord, en ce qui concerne les goélettes, j'ai reçu des détails plus précis, que je crois devoir signaler à Votre Seigneurie, sur les procédés qu'elles emploient pour échapper à toute surveillance. Non seulement ces bâtiments naviguent sans pavillon et sans autres papiers de bord qu'une licence délivrée par un agent des Douanes, mais ils ne sont pas astreints à porter d'une façon apparente le nom qui les individualise. Lorsque le navire en porte un, les gens du bord ont soin, lorsqu'ils se livrent à des déprédations, de l'effacer ou de jeter à la mer la planche sur laquelle il est inscrit. Si l'on considère, d'autre part, que la plupart de ces goélettes sont construites sur un modèle uniforme et sont identiques sous le rapport du gréement et de la mâture, on ne peut être surpris qu'elles échappent au contrôle des autorités navales et à la surveillance des bâtiments de guerre des deux pays.

C'est en se fondant sur ces pratiques que le Ministre de la Marine de la République croit devoir recommander comme moyen le plus propre à parer aux inconvénients qui en résultent d'obliger les goélettes Terre-Neuviennes non pas simplement à porter un nom selon la manière usuelle, car l'expérience a montré que cette précaution serait de peu d'effet, mais bien à avoir un signe extérieur "bien apparent," tel que serait, par exemple, un numéro d'ordre peint dans l'une de leurs voiles. L'annonymat dont ces navires se couvrent disparaîtrait ainsi, et avec lui la principale cause de l'impunité dont ils jouissent.

Un exemple très frappant des inconvénients du système actuel est offert par l'affaire Dupuis-Robial, dont j'ai déjà entretenu le Foreign Office, et sur laquelle je vous demande la permission de revenir avec vous aujourd'hui. Cela me semble d'autant plus nécessaire que l'interprétation des engagements internationaux à laquelle cet incident a donné lieu de la part du Gouvernement de la Reine ne saurait être acceptée par le Gouvernement de la République. D'après la note de Votre Seigneurie du 24 Août dernier, les sujets Britanniques seraient seulement tenus à n'apporter aucun obstacle et aucun empêchement matériel à l'acte même de la pêche, mais ils ne pourraient pas être inquiétés pour des faits qui ne présenteraient pas rigoureusement ce caractère ; bien plus, leur droit de participer à la pêche sur le "French Shore" subsisterait, alors même qu'il résulterait de la façon dont ils en useraient un appauvrissement des fonds réservés à la pêche Française. Or, dans l'opinion des personnes compétentes, cet appauvrissement, tel qu'il résulte de l'usage des trappes, peut aller éventuellement jusqu'à la stérilisation complète. Par conséquent le fait de tendre les dites trappes de manière à empêcher la morue de doubler les caps et de remonter le long du "French Shore" ne devrait pas être considéré comme une infraction aux clauses des Traités si ces trappes étaient posées sur des points où les Français ne se livraient pas, dans le moment, à l'exercice de la pêche. Une telle doctrine équivaut, dans l'opinion de mon Gouvernement, à affirmer que les pêcheurs Anglais ont toute liberté pour faire à nos nationaux une concurrence nuisible et même ruineuse, pourvu que cette concurrence ne soit pas pratiquée dans le voisinage immédiat de nos pêcheurs et ne soit pas accompagnée de molestations matérielles.

Il ne saurait échapper à Votre Seigneurie que telle n'a pu être l'intention des Hautes Parties Contractantes en 1783, et l'expression "interrupt" employée dans la traduction de la Déclaration du 23 Septembre de cette même année n'a évidemment pas le sens du mot Français "interrompre ;" elle correspond au contraire à l'expression beaucoup plus

* Nos. 82, 85, and 88.

générale de "troubler." Sur ce point aucune discussion ne semble possible, puisque, comme le sait Votre Seigneurie, la Déclaration du 3 Septembre, 1783, n'a été rédigée qu'en une seule langue, le Français; et le texte original signé du Duc de Manchester porte que "Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français." Cette allusion à la "concurrence" suffirait à elle seule à montrer que l'interdiction n'est pas restreinte à des faits ayant la gravité d'une interruption proprement dite; car la concurrence n'interrompt pas l'opération du rival en cause; elle y nuit seulement par son action parallèle.

Cela posé, il ne saurait être contesté qu'il y ait eu gêne, entrave, trouble apporté par les sujets Britanniques dans les entreprises de nos armateurs. J'ai donné précédemment à Votre Seigneurie des indications qui ne laissent aucun doute à ce sujet. Les trappes ont empêché d'une façon, pour ainsi dire, permanente, nos pêcheurs de déborder leurs seines; elles barraient les emplacements où ils avaient le droit incontestable de seiner, et où, sans ces entraves, ils l'auraient certainement fait. Même en admettant que les pêcheurs Anglais n'eussent tendu leurs trappes qu'en dehors du "French Shore," il semblerait déjà que cette pratique ne saurait être admise comme l'exercice d'une pêche loyale, car, au témoignage des gens du métier, ces engins, empêchant la morue de remonter, ont pour effet de rendre en partie illusoire notre droit de pêche dans ces eaux. Mais nous sommes loin de cette hypothèse, car il a été reconnu et matériellement constaté que la contravention avait été commise sur notre littoral même en violation certaine des engagements internationaux.

Pour ces motifs, mon Gouvernement ne croit pas pouvoir considérer comme définitive la réponse de Votre Seigneurie du 24 Août dernier, et, conformément aux instructions que j'ai reçues, je La prie de vouloir bien soumettre la question à un nouvel examen.

Je vous rappellerai, à l'appui de cette demande, que dans votre note précitée vous reconnaissez vous-même à nos pêcheurs le droit de faire appel aux autorités Britanniques pour être protégés contre les empiètements des pêcheurs Anglais dans les limites réservées à la pêche Française. On ne saurait admettre que la responsabilité du Gouvernement de la Reine fût dégagée par ce seul fait que l'autorité qualifiée pour répondre à l'appel de nos pêcheurs a fait défaut au moment où elle a été requise. Dans l'espèce, les réclamants ont eu à se plaindre, de la part de sujets Britanniques, d'actes qui constituent une atteinte à la libre jouissance des fonds réservés par les Traités à la pêche Française. Le chiffre auquel ils évaluent le préjudice que leur a causé cette intervention abusive des pêcheurs Anglais peut être sujet à discussion; mais le grief sur lequel se fonde leur réclamation ne paraît pas pouvoir être mis en question.

Indépendamment des considérations que je viens d'exposer à Votre Seigneurie, il en est d'autres d'un ordre différent et qui militent aussi en faveur de l'attribution d'une indemnité aux armateurs Besnier et Dupuis-Robial. Ces armateurs ont été, pendant la campagne de pêche de 1886, victimes de vols répétés à propos desquels ils ont formé, sur les lieux, des réclamations devant l'autorité compétente; j'ai même eu l'honneur au mois de Juillet dernier de demander à Votre Seigneurie le concours de la station navale Anglaise en vue d'assurer la recherche et la punition des coupables et de faire désintéresser les réclamants. D'après les informations que je reçois, l'enquête n'aurait donné presque aucun résultat; seul, le receleur d'une faible partie des objets dérobés aurait été découvert, et il n'y a pas lieu d'en être autrement surpris si l'on tient compte des conditions dans lesquelles naviguent les goélettes nomades et de l'impossibilité presque absolue qu'il y a à les identifier. J'adresse ci-joint à Votre Seigneurie le procès-verbal de deux interrogatoires qui Lui feront connaître dans quelles circonstances les vols ont eu lieu, et qui me paraissent mettre en lumière, de la façon la plus évidente, la nécessité de réglementer plus strictement les conditions de navigation des goélettes, en même temps qu'ils complètent l'exposé des préjudices dont nos armateurs ont à se plaindre.

Je profite de cette occasion pour mentionner une dernière question concernant l'exercice de la pêche à Terre-Neuve; je veux parler de la pêche du saumon. Dans une note remise récemment au Département des Affaires Étrangères, le Ministre d'Angleterre à Paris a exprimé l'opinion que nos nationaux n'auraient pas le droit de pêcher dans les rivières qui ont leur embouchure sur le "French Shore." La communication de Mr. Egerton équivaut, en fait, à la revendication des avantages de l'Article XV de la Convention du 14 Novembre, 1885, par lequel nous renoncions "à la pêche du saumon dans les cours d'eau pour nous la réserver en mer et à l'embouchure des rivières jusqu'au point où les eaux sont salées." Mais Votre Seigneurie sera sans doute d'accord avec nous pour reconnaître qu'on ne saurait faire revivre à notre détriment une Convention dont le rejet ne nous est pas imputable et a eu pour conséquence d'annuler les concessions qui y étaient réciproquement stipulées. Nous ne pouvons donc, dans ces conditions, que

maintenir intact, comme nous l'avons toujours fait, notre droit exclusif de pêche tel que nous l'avons antérieurement exercé dans les rivières et les saumonneries aussi bien que sur la côte elle-même.

Neanmoins, dans un sentiment de conciliation et dans la pensée que le Gouvernement de la Reine voudra bien accueillir nos demandes concernant l'interdiction de l'usage des trappes et les obligations à imposer aux goélettes nomades, mon Gouvernement serait disposé, au cas où son attente en ce qui concerne cette double question ne serait point trompée, à faire certaines concessions relativement à l'exercice de ce droit de pêche. L'usage des barrages fixes serait interdit à nos nationaux qui ne devraient se servir à l'avenir, que de rets mobiles aménagés de façon à permettre la circulation des bateaux.

Je serai fort reconnaissant à Votre Seigneurie si Elle veut bien examiner, dans un esprit bienveillant, l'ensemble des considérations et propositions qui précèdent. J'attacherais beaucoup de prix, étant donnée la date à laquelle nous sommes arrivés, à recevoir le plus tôt possible Sa réponse.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, March* 3, 1888.

YOUR Lordship informed me by your note of the 25th January last that the wishes of my Government in the matter of the use of traps in Newfoundland and of the marking of stray fishing-smacks were to be subjected to further consideration, the result of which would presently be communicated to me.

With the view of facilitating this consideration, and of corroborating the observations I have already submitted to you, I think it right to lay before you fresh considerations which have been communicated to me by my Government. In the first place, in the case of the fishing-smacks, I have received more precise details, of which I think it right to inform Your Lordship, as to the methods adopted by them for eluding all supervision. Not only do these vessels sail without a flag and without any papers on board other than a licence handed to them by a Customs officer, but they are not compelled to carry the names which distinguish them, in a conspicuous manner. When the vessel has a name, the crew is careful when carrying on depredations, to efface it, or to throw overboard the plank on which it is painted. If, further, it is remembered that the greater part of these fishing-smacks are built on a uniform model, and are identical in the matter of rigging and masts, it is not surprising that they escape the control of the naval authorities and the supervision of the war ships of the two countries.

It is these practices which lead the Minister of Marine of the Republic to think it his duty to recommend, as the best means for meeting the difficulties resulting therefrom, that the Newfoundland fishing-smacks should be compelled not simply to carry their names in the usual manner, for experience has shown that this would have little effect, but to carry some outward and very clear sign, as, for example, a number painted on one of their sails. The absence of names which enables these vessels to hide their identity would thus disappear, and with it the principal cause for the impunity which they enjoy.

A very striking instance of the evils of the actual system is furnished by the Dupuis-Robial case, which I have already brought to the notice of the Foreign Office, and to which I beg permission to return to-day. This seems to me the more necessary that the interpretation of the international engagements which this incident has led Her Majesty's Government to put forward cannot be accepted by the Government of the Republic. According to Your Lordship's note of the 24th August last, British subjects would be bound only not to put any obstacle or material impediment in the way of the act of fishing itself; but they could not be disturbed for acts which could not be rigorously interpreted to have this character; indeed, their right of participating in the fishery on the "French Shore" would subsist, even though their method of availing themselves of this right impoverished the part reserved for the French fishing. But in the opinion of competent people this impoverishment, such as results from the use of traps, might end in absolute sterility. Consequently, the act of placing the said traps so as to prevent the cod-fish doubling the capes and going along the "French Shore" should not be considered an infraction of the clauses of the Treaties if these traps were placed at points where the French were not for the moment fishing. Such a doctrine would, in the opinion of my Government, be equivalent to asserting that British fishermen are at liberty to engage in an injurious and even ruinous competition with French citizens, provided that such competition be not carried on in the

immediate vicinity of our fishermen, and be not accompanied by material molestations.

Your Lordship must be aware that such could not have been the intention of the High Contracting Parties in 1783, and the expression "interrupt" employed in the translation of the Declaration of the 23rd September of the same year has evidently not the same meaning as the French word "interrompre;" on the contrary, it corresponds to the much more general expression "troubler." On this point no discussion seems possible, since, as Your Lordship is aware, the Declaration of the 3rd September, 1783, was only drawn up in one language, the French; and the original text signed by the Duke of Manchester states that "Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français." This allusion to "competition" would suffice in itself to show that the prohibition is not limited to acts grave enough to constitute an interruption, properly so called; for competition does not interrupt the rival operation in question; it injures it solely by its parallel action.

This being so, it cannot be contended that there have not been inconvenience, impediment, and disturbance, caused by British subjects to the enterprises of our ship-owners. I have previously given Your Lordship proofs which leave no doubt on this subject. The traps have prevented our fishermen in a manner, so to speak permanent, from spreading their nets; they blocked up those parts in which they had the incontestable right of spreading their nets, and in which, but for these impediments, they would certainly have done so. Even supposing that British fishermen had only placed their traps outside the limits of the "French Shore," it would appear that this practice could not be permitted as a loyal method of fishing, for, according to the testimony of men of the trade, these traps, in hindering the cod from coming up, have the effect of rendering our right of fishing in these waters partially illusory. But we are far from this hypothesis, for it has been recognized and substantially proved that the contravention took place on our shore itself in undeniable violation of international engagements.

On these grounds my Government cannot consider Your Lordship's answer of the 24th August last as final, and, in obedience to my instructions, I beg you to be good enough to submit the question to a fresh examination.

I would remind you, in support of this request, that in your above-mentioned note you yourself recognize the right of our fishermen to appeal to the British authorities for protection against the encroachments of British fishermen in the limits reserved for French fishing. It cannot be admitted that Her Majesty's Government were freed from their responsibility by the sole fact that the authority qualified to answer the appeal of our fishermen failed at the moment when it was called upon. In this particular case, the claimants have had to complain of acts on the part of British subjects which constitute an infringement of their free enjoyment of the fishing grounds reserved by the Treaties for French fishing. The actual sum at which they estimate the damage caused them by this injurious intervention of British fishermen may be matter for discussion, but the wrong on which they base their claim does not appear to admit of question.

Independently of the considerations I have submitted to Your Lordship, there are others of a different kind which militate in favour of the grant of an indemnity to the ship-owners Besnier and Dupuis-Robial. These ship-owners have been during the fishing season of 1886 victims of repeated thefts, on account of which they have made claims before the competent authority on the spot; indeed, I had the honour last July to request from Your Lordship the assistance of the British squadron in securing the discovery and punishment of the offenders, and the indemnification of the claimants. According to the information received by me, the inquiry has had almost no result, except that the receiver of a small part of the stolen goods has been discovered. This is not surprising when the conditions under which these stray fishing-smacks work, and the almost absolute impossibility of identifying them, are taken into consideration. I transmit herewith to Your Lordship the Report of two inquiries, which will acquaint you with the circumstances under which the thefts took place, and which appear to me to show in the clearest manner the necessity of regulating more strictly the terms on which these vessels sail, while, at the same time, they complete the statement of the injuries of which our ship-owners have to complain.

I avail myself of this opportunity to mention one more point in connection with the fishery at Newfoundland,—I mean the salmon fishing. In a note recently addressed to the Ministry of Foreign Affairs, the British Minister at Paris expressed the opinion that our citizens had no right to fish in the rivers whose mouths are on the "French

Shore." Mr. Egerton's communication is tantamount, in fact, to a claim for the advantages of Article XV of the Convention of the 14th November, 1885, by which we abandoned "the salmon fisheries in rivers, and only reserved a right to the salmon fishery in the sea and at the mouths of rivers up to the point where the water remains salt." But Your Lordship will doubtless agree with us in recognizing the impossibility of reviving to our detriment a Convention the rejection of which cannot be imputed to us. In consequence of this rejection, the concessions reciprocally stipulated in the Convention were annulled. We cannot do otherwise, under these circumstances, than maintain intact, as we have always done, our exclusive right of fishing such as we have previously exercised it in the rivers and salmon fisheries, as well as on the coast itself.

Nevertheless, in a spirit of conciliation, and in the belief that Her Majesty's Government will agree to our requests for the prohibition of the use of traps and for the regulations to be imposed on stray fishing-smacks, my Government would be disposed, in the event of their expectations in regard to this twofold question not being falsified, to make certain concessions relative to the exercise of this right of fishing. The use of weirs would be prohibited to our citizens, who would only be permitted in future to make use of movable nets managed in such a way as to admit of the passage of boats.

I should be much obliged to Your Lordship if you would examine in a kindly spirit the above considerations and proposals. I should be very grateful, bearing in mind the date at which we have arrived, to receive an answer at your earliest convenience.

I have, &c.
(Signed) WADDINGTON.

No. 91.

M. Waddington to the Marquis of Salisbury.—(Received March 6.)

M. le Marquis, *Londres, le 5 Mars*, 1888.

EN réponse à la note que j'avais eu l'honneur d'adresser au Foreign Office pour formuler des réserves au sujet de l'interprétation donnée par le Gouvernement de Terre-Neuve à l'Acte concernant la Boëtte, Votre Seigneurie a bien voulu me signaler par Sa lettre du 16 Décembre que cet Acte maintenait d'une manière complète les droits de mon Gouvernement dans ce pays.

J'ai l'honneur, conformément aux instructions que j'ai reçues, de prendre acte de cette indication, non toutefois sans faire observer qu'il n'aurait pu d'ailleurs appartenir au Parlement de Terre-Neuve de porter atteinte, par aucune disposition légale, aux droits qui découlent pour nous des Traités.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation).

My Lord, *London, March 5*, 1888.

IN reply to the note which I had the honour to address to the Foreign Office formulating reservations on the subject of the interpretation given by the Newfoundland Government to the Bait Act, Your Lordship was good enough to state in your note of the 16th December that this Act maintained entire the rights of my Government in that country.

I have the honour, in accordance with instructions received, to take act of this statement, not, however, without observing that in no case could it have appertained to the Newfoundland Parliament to infringe by any legal disposition the rights which accrue to us from the Treaties.

I have, &c.
(Signed) WADDINGTON.

No. 92.

Foreign Office to Colonial Office.

Sir, *Foreign Office, March 6*, 1888.

WITH reference to the 3rd paragraph of your letter of the 29th ultimo, I am directed by the Marquis of Salisbury to state to you, for the information of Lord

Knutsford, that his Lordship concurs in the terms of the proposed letter to the Admiralty suggesting certain instructions to the Senior Naval Officer on the Newfoundland Station with a view to facilitate the identification of the local fishing-vessels.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 93.

Colonial Office to Foreign Office.—(*Received March* 14.)

Sir, *Downing Street, March* 13, 1888.

WITH reference to your letter of the 6th instant, relating to the marking of vessels engaged in the Newfoundland fisheries so as to insure that they can be easily identified in case of necessity, I am directed by Lord Knutsford to transmit to you a copy of a letter which has been addressed on this subject, by his Lordship's direction, to the Admiralty.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 93.

Colonial Office to Admiralty.

Sir, *Downing Street, March* 13, 1888.

WITH reference to previous correspondence relating to certain matters connected with the fisheries of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter from Sir R. Thorburn, together with a copy of a correspondence which has ensued upon it between this Department and the Foreign Office.

As regards the question of the marking of fishing-vessels so as to insure their being easily identified, I am to request that their Lordships will give to the Senior Naval Officer on the Newfoundland Station instructions to ascertain on his arrival at St. John's the exact state of the law in the Colony applicable to vessels engaged in the fisheries to which the French complaint of non-possibility of identification refers. If he finds that the law is sufficient, if duly enforced, to insure the identification of vessels, he should take such steps as the law permits to enforce compliance with it, or to insure punishment in default of such compliance. Should he, however, ascertain that the law is insufficient, a report of the facts should be submitted.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 94.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, April* 11, 1888.

THE French Chargé dAffaires called upon me to-day with reference to certain questions relating to the Newfoundland fisheries. He said, in the first place, much damage and mischief were done by fishing-vessels of unknown nationality carrying no distinguishing mark, and impossible to recognize. Whenever they wished to escape recognition they simply threw their name-board overboard.

It had been suggested by the French Government, and M. Jusserand wished to urge the suggestion, that all fishing-vessels should be compelled to carry some name or number painted on the sails which they could not get rid of.

I replied that I would inquire into the matter, and that the suggestion seemed at first sight a useful one; but it would certainly require an Act of Parliament to confer such powers on Her Majesty's Government if they were not already invested with them.

M. Jusserand then spoke to me on the subject of cod-traps, of which, he said, the French Government had constantly urged the removal, but with respect to which they could obtain no definite answer from this Department. He believed that there was no difference in principle between the two Governments as to the injurious influence of these traps on the cod-fishery, and he expressed the hope that we would assist in removing them.

I promised inquiry, but said again that any action on our part would probably require legislative sanction.

Finally, M. Jusserand referred to salmon weirs, in regard to which complaints had been made by Her Majesty's Government against the French. Whilst disclaiming the notion of a bargain, he intimated with tolerable distinctness that the French Government would be willing to consult the wishes of Her Majesty's Government on this point if they could obtain some satisfaction in the matter of cod-traps.

I am, &c.
(Signed) SALISBURY.

No. 95.

Colonial Office to Foreign Office.—(Received May 8.)

Sir, *Downing Street, May 7, 1888.*

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland respecting a Bill which his Government propose to introduce in regard to the purchase of bait.

Mr. Blake has been informed, in reply, by telegram, that he may assent to the Bill.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 95.

Governor Blake to Lord Knutsford.

(Telegraphic.) (*Received May 6, 1888, 8.10 P.M.*)

IT is proposed by my Government to introduce on the 7th May a Bill to amend the Bait Act by providing for issue to British or foreign subjects of licences to purchase bait, and making sale of it lawful to persons holding licence, thus remedying defects in the present Act which necessitate contraction of number of licences for selling or exporting bait. Until assured of my assent, Ministers will not introduce the Bill. There will also be provision for general permission to sell on parts of the shore mentioned in Governor's Proclamation. This is intended to enable a general permission to be proclaimed on shores to which French rights extend. The Bill is in accord with the principle of the Bait Act, and I see no objection to it, and I shall give my concurrence unless I receive a telegram on Monday desiring me to withhold assent. The steps taken for carrying out Act have been effectual so far. Although 40 fr. a-barrel are offered, the French have not yet been successful in getting bait in any appreciable quantity.

The Session will probably be closed on Wednesday next.

No. 96.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, May 10.)

(Extract.) *Government House, Newfoundland, April 7, 1888.*

I HAVE the honour to inform your Lordship that a Bill for the total suppression of cod-traps after the expiration of two years has been passed through the House of Assembly as a general measure, and I have reason to believe that it will be accepted by the Legislative Council.

No. 97.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, May 26, 1888.*

THE French Ambassador yesterday drew my attention to the questions which are still unsettled with respect to the Newfoundland fisheries. He pointed out that he had

frequently pressed upon Her Majesty's Government the importance of some legislation for the suppression of cod-traps, a contrivance which was ruinous to the fisheries, and which both Governments were agreed in condemning. He said that the season was about to open, the instructions to the French Commodore were being drawn up, and that the silence of Her Majesty's Government on this question, which he had submitted to them more than once, was very embarrassing. It was difficult for the French Government to know what instructions to give. If they allowed the abuse to continue, the fishery would be seriously injured, while if they gave directions to their naval officers to remove the cod-traps themselves, there was danger of friction with the colonial fishermen or with the British naval authorities. At the same time, his Excellency pressed me for some indication of the course we intended to pursue with respect to the unmarked schooners and cutters, which committed all sorts of illegal actions, and whose masters could not be brought to justice because there was no means of recognizing them. He urged again, as he had urged before, that every vessel fishing in these seas should be bound by law to have a number painted upon her sails. It was of no use to have the number painted upon the hull of the vessel, for the plan of these smugglers was to paint it upon a movable plank, which when in danger of surprise they threw away.

I promised to convey his remonstrances to the Colonial Office, and had no doubt that they would do their utmost to urge more speedy action upon the Legislature of Newfoundland. I said there was considerable doubt whether it would be according to usual practice for the Imperial Parliament to interfere by legislation in such a matter, and we were therefore dependent upon the co-operation of the Colonial authorities; but I would not fail to ask the Colonial Office to point out to them that by continued inaction they ran the risk of bringing about collisions between the fishermen and the naval authorities of the two nations.

I am, &c.
(Signed) SALISBURY.

No. 98.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, June* 13, 1888.

I HAVE the honour to acknowledge the receipt of your despatch of the 7th April, reporting that a Bill for the total suppression of cod-traps after two years had passed the House of Assembly.

I am in communication with the Foreign Office on the subject of this measure; but, in the meantime, I should be glad to be informed of the reasons for deferring its operation for so long a period as two years.

I have, &c.
(Signed) KNUTSFORD.

No. 99.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, June 15.)

My Lord, *Government House, Newfoundland, May* 17, 1888.

I HAVE the honour to forward to your Lordship advance copies of an Act for the abolition of cod-traps.

I have, &c.
(Signed) HENRY A. BLAKE.

Inclosure in No. 99.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

Cap. VIII.—*An Act respecting the Abolition of Cod-Traps.*

[*Passed 9th May*, 1888.]

BE it enacted by the Governor, Legislative Council, and House of Assembly, in Legislative Session convened, as follows:— Enacting clause.

1. After two years from the date of the passing of this Act, it shall be unlawful for any person to use any cod-trap for the purpose of catching or taking any cod-fish on the coast of this Colony or its dependencies. Unlawful to use cod-traps after two years.

Penalty.

2. Any person who shall violate the provisions of this Act shall be subject to a penalty not exceeding 400 dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace, and in default of payment of such penalty such offender shall be subject to imprisonment for a term not exceeding six months.

Cod-traps used in contravention of this Act may be seized.

3. Any cod-trap used in contravention of this Act may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden, or Constable, on view, or by warrant, issued by such Justice, Sub-Collector, or Preventive Officer, upon complaint made on oath to be administered by any of them, and detained until the trial of the offender, and upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

How penalty distributed.

4. The proceeds of such sale, and the penalties imposed upon such conviction, shall, after payment of all costs of prosecution, be distributed as follows, viz. :—

One moiety to the person prosecuting the offender to conviction, and the residue to the Receiver-General for the use of the Colony.

No. 100.

Colonial Office to Foreign Office.—(Received July 6.)

Sir, *Downing Street, July 6, 1888.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland conveying the protest of his Government against the alleged assumption of territorial rights by France over a portion of the coast where the French have fishery rights, and the establishment of permanent buildings by a Company claiming to have received from the French Government an exclusive right to fish for lobsters in that locality for five years.

I am to request that you will move Lord Salisbury, should his Lordship concur in the suggestion, to bring this case before the French Government, pointing out that the exclusive right to fish, alleged to have been granted, and the erection of permanent buildings such as are stated to have been commenced, are in excess of the Treaty rights accorded to the French.

Lord Knutsford will cause a further communication to be addressed to you on the subject of the action taken by Messrs. Murphy and Andrews in proceeding to erect their lobster factory at White Bay.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 100.

Governor Blake to Lord Knutsford.

(Telegraphic.) *St. John's, July 3, 1888.*

COMPLAINTS received from Messrs. Murphy and Andrews, who were about to erect a building for packing of lobsters at Hauling Point, in White Bay, that four days after their arrival a large number of French arrived there. On Sunday, 24th June, the French war-ship "Drac" arrived and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to French Company, represented by recent arrivals, an exclusive right to fish for lobsters in that locality for five years. The French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

My Government strongly protest against this assumption of territorial rights by France, and against the establishment of the lobster factory, the erection of which they hope Her Majesty's Government will prevent.

No. 101.

The Marquis of Salisbury to Mr. Elliot.

Sir, *Foreign Office, July* 7, 1888.

THE Governor of Newfoundland telegraphs, on the 3rd July, that complaints have been received from Messrs. Murphy and Andrews, who were about to erect a building for the packing of lobsters at Hauling Point, in White Bay, that four days after their arrival a large number of French arrived there. On Sunday, the 24th June, the French war-ship "Drac" came and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to a French Company, represented by recent arrivals, an exclusive right to fish for lobsters in that locality for five years. The French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

I request that you will ask the French Government whether they have received similar information, and, in any case, urge them to send out immediate orders, by telegraph, to put a stop to the proceedings complained of, which, if the facts are as reported, appear to be quite indefensible, and, unless immediately checked, may result in grave disturbances.

I am, &c.
(Signed) SALISBURY.

No. 102.

Mr. Elliot to the Marquis of Salisbury.—(Received July 9.)

My Lord, *Paris, July* 8, 1888.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which, in obedience to the instructions contained in your despatch of yesterday, I have addressed to the Minister for Foreign Affairs on the subject of the proceedings of the French at Hauling Point, reported by the Governor of Newfoundland.

I have, &c.
(Signed) F. ELLIOT.

Inclosure in No. 102.

Mr. Elliot to M. Goblet.

M. le Ministre, *Paris, July* 8, 1888.

I AM instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to inform your Excellency that, according to a telegram from the Governor of Newfoundland, dated the 3rd July, complaints have been received from Messrs. Murphy and Andrews, who were about to erect a building for the packing of lobsters at Hauling Point in White Bay; that four days after their arrival a large number of French arrived there; that on Sunday, the 24th June, the French man-of-war "Drac" came, and prevented Mr. Andrews from erecting plant, stating that the French Government had conceded to a French Company, represented by the recent arrivals, an exclusive right to fish for lobsters in that locality for five years. It is added that the French proceeded to land a large quantity of plant and machinery, and have already begun to build very extensive and permanent buildings.

In making the above communication to your Excellency, I am instructed to ask whether the French Government have received similar information, and to urge that in any case immediate orders should be sent by telegraph to put a stop to the proceedings complained of, which, according to the facts reported, are, in the opinion of Her Majesty's Government, quite indefensible, and unless immediately checked may result in grave disturbances.

I have, &c.
(Signed) FRANCIS ELLIOT.

No. 103.

Colonial Office to Foreign Office.—(*Received July* 12.)

Sir, *Downing Street, July* 11, 1888.

WITH reference to the letter from this Department of the 6th instant respecting the recent proceedings in White Bay, Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegraphic correspondence which has taken place between this Department and Governor Blake respecting the action of Messrs. Murphy and Andrews.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 103.

Lord Knutsford to Governor Blake.

(Telegraphic.) *Downing Street, July* 6, 1888.

REFERRING to your telegram of the 3rd July, Secretary of State for Foreign Affairs requested make representations to French Government.

Meanwhile, require explanation Murphy and Andrews' grounds for believing that were justified in erecting building.

Inclosure 2 in No. 103.

Governor Blake to Lord Knutsford.

(Telegraphic.) *Newfoundland, July* 7, 1888.

REFERRING to your telegram of the 7th July, Murphy and Andrews assumed right of building. I have informed them that they were not justified in erecting fixed fishing establishments.

No. 104.

Foreign Office to Colonial Office.

Sir, *Foreign Office, July* 16, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 11th instant, respecting the recent occurrence in White Bay; and I am to request that you will move Lord Knutsford to inquire of the Governor of Newfoundland what title Messrs. Murphy and Andrews have to the land on which they commenced to erect a lobster factory.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 105.

M. Waddington to the Marquis of Salisbury.—(*Received July* 17.)

M. le Marquis, *Londres, le* 15 *Juillet*, 1888.

MON Gouvernement, ainsi que le sait Votre Seigneurie, attacherait beaucoup de prix à être fixé sur les intentions du Gouvernement de la Reine en ce qui concerne l'interdiction des trappes à morues à Terre-Neuve et les obligations à imposer aux goélettes nomades afin de faciliter la vérification de leur identité. Le Cabinet de Paris espère qu'il ne peut y avoir qu'une complète conformité de vues entre les Administrations intéressées sur ces deux questions, d'où dépend en grande partie la possibilité de maintenir l'ordre parmi les bâtiments qui se livrent à la pêche et d'assurer ainsi qu'il convient le peuplement des eaux.

Toutefois, nous n'avons reçu jusqu'ici aucune réponse du Cabinet Britannique relative-

ment à cette affaire, que j'ai eu plusieurs fois l'honneur de rappeler verbalement à Votre Seigneurie. Il en est de même de la réclamation Dupuis-Robial qui se rattache à l'emploi des trappes par les pêcheurs Terre-Neuviens. Je crois devoir vous prier de vouloir bien vous reporter à ma lettre du 3 Mars dernier, dans laquelle je traitais de cette question, et je serai fort obligé à Votre Seigneurie si Elle veut bien prendre des dispositions pour qu'il soit répondu sans retard à mes communications, afin qu'il soit donné satisfaction aux pressantes demandes que j'ai l'honneur de Lui réitérer au nom de mon Gouvernement.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation).

My Lord, *London, July* 15, 1888.

AS Your Lordship is aware, my Government would be very grateful to be informed as to the intentions of Her Majesty's Government respecting the prohibition of cod-traps in Newfoundland, and the regulations to be imposed on stray fishing-smacks with the view of facilitating their identification. The Paris Cabinet trusts that nothing but complete uniformity of views exists between the two Governments interested in these two questions, on which the possibility of maintaining order among the fishing-vessels, and of insuring in the proper manner the stocking of the waters, chiefly depends.

But we have hitherto received no reply from the British Cabinet on this matter, to which I have had the honour to call Your Lordship's attention several times. The same is the case with the Dupuis-Robial claim, which is connected with the use of traps by the Newfoundland fishermen. I think it my duty to beg that you will be good enough to refer to my letter of the 3rd March last, in which I discussed this question, and I should be much obliged to Your Lordship if you would take steps for replying to my notes without delay, in order that the pressing requests of my Government, which I have the honour to reiterate in their name, may be satisfied.

I have, &c.

(Signed) WADDINGTON.

No. 106.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, July* 24, 1888.

I MENTIONED to the French Ambassador, who called on me this afternoon, that we had received intelligence from Newfoundland to the effect that the French fishermen had begun to build lobster factories on the shore within the French fishery limits. I begged his Excellency to call the attention of his Government to this circumstance, as he must be aware that whatever interpretation might be placed on the Treaty of Utrecht, it certainly did not imply a right to take any action of this kind.

His Excellency said that no intelligence of the sort had reached him, and that he was unable to express an opinion.

I am, &c.

(Signed) SALISBURY.

No. 107.

Colonial Office to Foreign Office.—(*Received July* 24.)

(Extract.) *Downing Street, July* 23, 1888.

WITH reference to your letter of the 16th instant respecting the proceedings of the French at Hauling Point, White Bay, on the coast of Newfoundland, in connection with the erection of a lobster factory, and interference with Messrs. Murphy and Andrews, I am directed by Lord Knutsford to transmit to you a copy of a despatch received from the Governor of Newfoundland on the subject.

The constructions stated to have been commenced by the French, as well as the asserted claim to grant to French subjects an exclusive right for a period of five years to fish for lobsters in the locality in question, are clearly contrary to Treaty, and Lord Salisbury will no doubt make such further representations to the French Government on the subject as he may deem the circumstances of the case to demand.

It will be seen that preliminary damages are claimed on behalf of Messrs. Murphy and Andrews to the amount of 2,180 dol. 63 c.

Inclosure 1 in No. 107.

Governor Blake to Lord Knutsford.

My Lord, *Government House, Newfoundland, July* 10, 1888.

I HAVE the honour to forward, for your Lordship's consideration, a statement from Messrs. McNeily and McNeily, solicitors for Messrs. Murphy and Andrews, who made arrangements for the establishment of a lobster-canning establishment at Hauling Point, in White Bay, a place where for more than forty years no French subjects have carried on any kind of fishery. Messrs. Murphy and Andrews had agreed last autumn with a number of the inhabitants to catch lobsters for them, and were to begin operations on the 25th June.

2. On the 10th June Messrs. Murphy and Andrews arrived with the necessary plant and supplies for the season. On the 14th June a large number of Frenchmen arrived there. Messrs. Murphy and Andrews proceeded to erect the necessary boiling-house for carrying on their business, and had their arrangements all but completed, when the French war-ship "Drac" arrived at Hauling Point. The Commander, on Sunday, the 24th June, informed Messrs. Murphy and Andrews that he would not allow them to take lobsters in that locality, and, further, that the French Government had conceded to the French Company there represented an exclusive right to fish for lobsters in that locality for five years.

3. In consequence of the interdict of the Commander of the "Drac," the men who had agreed with Messrs. Murphy and Andrews to supply them with lobsters refused to do so, and they have been obliged to abandon the venture at considerable loss, for which they claim compensation amounting to 2,180 dol. 63 c. The particulars of the claim are attached to the statement.

4. Having ejected the British subjects from the place, the French Company have proceeded to erect an establishment of a permanent character, over 300 feet in length, in which, from the Report of Mr. Berteau, Sub-Collector of Customs, which I inclose for your Lordship's information, it appears that they intend to carry on a lobster factory and general trading establishment, with accommodation for a large number of men. This savours more of a regular annexation of that portion of our coast than the temporary occupation of a portion of the shore for fishery purposes. As the cost of the erection of the boiling-house by Messrs. Murphy and Andrews was 150 dollars, including the labour, it is evident that it was not a fixed establishment, but a temporary erection to be removed at the end of the season.

5. My Ministers protest very strongly against this assertion of French claims. They submit that the terms of the Treaty of Utrecht and the Declaration of 1783 do not include the concession to the French of an industry then unknown. The Treaty of Utrecht gave to France the right "to catch fish and to dry them on land." Lobsters are not fish, and the process of canning is not that of drying them. The taking of lobsters does not, therefore, appear to come within the terms of the Treaty, and the assertion of French claims as detailed in the inclosed statement involves the practical exclusion of British subjects from an industry within British territory unknown when the French Treaty rights accrued, and now of great and increasing importance to some thousands of British subjects settled on the coasts over which the French Treaty rights extend.

I have, &c.

(Signed) HENRY A. BLAKE.

Inclosure 2 in No. 107.

Messrs. McNeily and McNeily to the Colonial Secretary.

Sir, *July* 2, 1888.

WE are charged by Messrs. Murphy and Andrews, lobster packers, and by Messrs. Goodfellow and Co., who have made large advances to said Murphy and Andrews, to lay before you, for the consideration of his Excellency the Governor and Commander-in-chief, the following statement of facts:—

1. In the autumn of last year Messrs. Murphy and Andrews made arrangements for the establishment of a lobster factory at a place called Hauling Point, on the south side of White Bay, on the so-called French Shore, and situate some 30 miles to south and west of Partridge Point.

2. It is not known that any Frenchmen had ever prosecuted the fishery in this place,

but it is affirmed that for a period of more than forty years no French subjects had in that locality been engaged in any fishery enterprise. No erections, temporary or permanent, had ever been attempted to be made there by the French for fishery or other purposes.

3. Messrs. Murphy and Andrews arrived at Hauling Point on the 10th June last, having in the autumn previous secured the services of a number of men who agreed to catch lobsters for them, and who had arranged to commence operations on Monday last the 25th June.

On the 14th June, four days after the arrival of Murphy and Andrews at Hauling Point, a large number of Frenchmen arrived there.

5. Murphy and Andrews had, in the meantime, landed their machinery, plant, material, and supplies.

6. Murphy and Andrews proceeded to make the necessary erections of buildings and machinery for the purpose of carrying on their business, and had their arrangements all but completed when the French war-ship the "Drac" came into Hauling Point.

7. The Commander, on Sunday, the 24th June, informed Murphy and Andrews that he would not allow them to fish for lobsters or to take lobsters in that locality, and further, that the French Government had conceded to a French Company (being represented by the Frenchmen who had arrived on the 14th June) an exclusive right to fish for lobsters in that locality, *i.e.*, Hauling Point, for a period of five years.

8. Meantime, Murphy and Andrews had made all necessary erections for the carrying out of their enterprise. The erection of the buildings involved an expenditure of about 150 dollars. The cost of supplies for lobster catches, of machinery, plant, and material, and freight thereon, amounted to 3,106 dol. 31 c., and they brought with them from St. John's a bookkeeper and a tinsmith.

9. The French Company are, as we learn, putting up a building for lobster packing purposes of about 300 feet long. They have about 160 men to be employed, who came from France in two vessels which are in the service of the Company, one (being in the Southern Arm) a large brig, another a brigantine (lying in the Western Arm); and it is said that they have also another vessel somewhere near upon that coast.

10. It will thus be seen that they contemplate operations upon a gigantic scale.

11. The manager of the projected French factory, one M. Michel, has asserted that he has this exclusive right of which the Commander of the "Drac" has spoken, and has said, moreover, that he has the French Government at his back, and that he will be compensated by that Government whether he is permitted to succeed in his enterprise or if he be restrained. There is some reason for believing that it is the intention of the French Government to foster this new fishery upon our coasts by means of bounties, as the cod fishery is at present assisted.

12. A number of the men who had agreed with Murphy and Andrews to supply them with lobsters, when the Captain of the "Drac" interfered with our clients, were present. In consequence of his interdict these men refused to carry out their agreement theretofore made.

13. It will thus be apparent that, through the high-handed, unwarranted, and utterly unlawful interference of the French Commandant, our clients, Murphy and Andrews, have been completely prevented from prosecuting their season's enterprise, for which they had at so much labour and expense prepared themselves.

14. It will also be observed that the French are presuming to assert rights of a territorial character and in respect of inshore fisheries, which their extremest arrogance has never heretofore compassed, in its claims. The lobster fishery is a new industry which was never contemplated or anticipated by the Treaties. It is an industry subject to the regulations of our local Legislature as to close time, seize, &c.

If the contentions of the French in respect of this fishery be admitted, or even connived at, they will doubtless insolently assert their immunity from local regulations or legislation. Thus we should have the lamentable spectacle of our own fishermen, in our own territorial waters, and upon the soil of our own Dominion, hampered by regulations which are designed for the protection of the fishery; whilst aliens not only prevent them from exercising their birthright, but set at insolent defiance the municipal restraints imposed by law, and prosecute their alien operations to the ultimate destruction of this valuable and yearly increasing industry.

15. Moreover, there is a yet larger issue involved in this claim. This industry, when carried on upon the scale contemplated, must, as we are informed, demand the erection by the French of "permanent establishments," and thus a new form of territorial claim is asserted in direct violation of the Treaty. It has been, unfortunately, by reason of our supineness and our hesitation to withstand such claims of the French at the very outset, that they have been encouraged to go on from aggression to aggression.

These, Sir, are, as concisely as they can be expressed, the facts and obvious conclusions therefrom which we deem it necessary to bring before his Excellency at present; and we are constrained to request the intervention of Her Majesty's Government in respect of this gross violation of international law and the great damage which our parties have thereby sustained. The full extent of the damage sustained it is impossible for us at present to define. We have, however, prepared a statement of what reasonable compensation we should without doubt be entitled to receive at the hands of the French Government. We have brought the whole matter before his Excellency with the least possible delay. But we reserve to ourselves the right to add to our claim when further information and future development of affairs shall enable us to give more accurate details. Inclosed (marked A) is a statement of our preliminary claim.

We are moved to this action, not merely by reason of the personal injuries sustained by our parties, but by our earnest desire for the vindication of British rights as to the territorial soil and waters, as confirmed to us by the perfected negotiations between the High Contracting Parties.

(Signed) McNEILY AND McNEILY,
Solicitors and Advocates for the above-named Parties.

Inclosure 3 in No. 107.

Schedule (A) referred to in annexed Correspondence.

THE probable result of season's fishery, being at least one thousand cases, on which a profit of at least 1 dol. 50 c. per case would be realized.

	Dol	c.
Loss thereon, 1,000 cases, at 1 dol. 50 c.	1,500	00
The loss on supplies being computed at a minimum of 10 per cent.—		
Loss thereon, 10 per cent. on 3,106 dol. 31 c.	310	63
The loss on buildings and erections, being principally for labour	150	00
The labour in removing said buildings, &c.	100	00
The necessary freight in removing supplies, machinery, plant, material, &c..	120	00
	2,180	63

N.B.—This does not include wages of bookkeeper, tinsmith, or loss of claimants' time and remuneration therefor.

(Signed) McNEILY AND McNEILY.

Inclosure 4 in No. 107.

Mr. Berteau to Sir R. Thorburn.

Dear Sir, *Revenue Cruizer "Rose," June 26, 1888.*

I BEG to report to you the arrival at South-West Arm, White Bay, of two French vessels. These vessels have a large stock of goods on hand to be used in trading. There are four persons of a class superior to those who usually come out to this part of the coast, and who are in charge. They intend starting lobster factories, as well as to commence business with the inhabitants of White Bay. It would not appear as if it was the intention of these people to give much work to Newfoundland, as they have brought out a large number of men and boys, to be used evidently in the prosecution of the lobster fishery.

I am, &c.
(Signed) FRANCIS C. BERTEAU,
Sub-Collector, Labrador, E.C., and Officer Inspecting Customs.

No. 108.

Governor Blake to Lord Knutsford.—(Received at the Foreign Office, July 28.)

My Lord, *Government House, Newfoundland, July 6, 1888.*

WITH reference to your Lordship's despatch of the 13th June, the receipt of which I have the honour to acknowledge, the reasons for deferring the operation of the Law for abolition of cod-traps for two years was that the traps in use would be worn

out by that time, and the considerable annual cost of repairs being saved for the two years the owners would be recouped to a certain extent.

2. There is a very large amount of capital sunk in cod-traps round the islands, and the immediate suppression of these expensive engines, without compensation, would produce much hardship.

At the same time, the owners of cod-traps on the Treaty shores have been warned by this Government that they use them at their own risk, and may at any time find them removed by British cruizers.

I have, &c.
(Signed) HENRY A. BLAKE.

No. 109.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 28, 1888.

ON the 3rd March last your Excellency did me the honour to address to me a note dealing, amongst other matters relating to the Newfoundland fisheries, with the question of the use of cod-traps, and with that of the marking of local fishing-boats.

In the course of a conversation which I had the honour to hold with your Excellency upon these subjects on the 25th May following, I promised that your representations should be conveyed to the Colonial Office, and I expressed my conviction that they would do their utmost to urge more speedy action upon the Legislature of Newfoundland. I explained, however, at the same time, that there was considerable doubt whether it would be according to usual practice for the Imperial Parliament to interfere by legislation in such matters, and that we were therefore dependent upon the co-operation of the Colonial authorities. I added that the latter would be warned of the risk they incurred by continued inaction of bringing about collision between the Newfoundland fishermen and the naval authorities of both countries.

In the note of the 15th instant, which I have now received from your Excellency, you press for a further answer upon these points, as well as with regard to the special claim for damages on account of the use of cod-traps by certain British subjects, which was urged by your Excellency on behalf of M. Dupuis Robial on the 5th July, 1887, and again brought forward in your letter of the 3rd March last.

In the last-mentioned communication your Excellency contended that the word "interrupt" does not correctly represent the meaning of the French word "*interrompre*," used in the Declaration of 1783; that the latter must be taken in the sense of "*troubler*," and that the use of cod-traps by British fishermen within the French fishery limits, and even outside of them, was, in effect, to "*troubler*" the French fishermen in their pursuits, to render the French rights partly illusory, and, therefore, to constitute a violation of international engagements.

Her Majesty's Government have not failed to give their best attention to the arguments adduced by your Excellency in favour of reopening this claim, but they regret to be unable to see anything in the views urged by your Excellency which would justify them in departing from the conclusions at which they have arrived in the matter, whether as regards the general question of the nature of an "interruption," or the particular claim before them. Those conclusions I had the honour of explaining in some detail in my note to your Excellency of the 24th August, 1887.

The right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them, and, therefore, in the view of Her Majesty's Government, the "interruption" referred to in the Declaration can only mean a physical interruption caused by competition.

With reference, however, to the general subject of cod-traps, I beg leave to inform your Excellency that, during the Session of the Newfoundland Legislature which has recently closed, a Bill was passed for the total suppression of those engines on that part of the coast of the island to which the French fishery rights extend, but the Colonial Legislature, in view of the large amount of capital invested in cod-traps and the loss which their immediate suppression would inflict, declined to allow the prohibition to take effect until after the expiration of two years.

Her Majesty's Government are awaiting further reports from the Colonial Government

upon the subject, but as the Session of the Colonial Legislature has now closed, it would not be practicable in any case to obtain an amending Act this year.

In the meanwhile, the British naval authorities will take all the measures in their power to prevent any interruption to the operations of French fishermen by the use of cod-traps.

Her Majesty's Government have also taken note of the suggestions made by your Excellency on the subject of the marking of fishing-vessels for purposes of identification.

They are making every endeavour to secure the objects which both Governments have in view. But I need hardly say, M. l'Ambassadeur, that the efforts of Her Majesty's Government are gravely impeded by the recent action of the French fishermen and of the French naval officers which forms at the present time the subject of a representation to your Government through Her Majesty's Ambassador at Paris.

Her Majesty's Government are anxiously awaiting the assurance that instructions will be sent out, with the least possible delay, which will remove all legitimate ground for the complaint on the part of the Government of Newfoundland that the French fishermen are abusing their fishery privileges, with the aid and support of their own authorities, by erecting lobster factories on the coast, in violation of the sovereign rights of the British Crown and of the express provisions of the Treaties.

I have, &c.
(Signed) SALISBURY.

No. 110.

Captain Hamond to Vice-Admiral Lyons.—(*Received at the Foreign Office, August* 6.)

Sir, "*Emerald*," *at St. George's, June* 26, 1888.

IN obedience to your telegram of yesterday, I forward correspondence that has taken place with reference to lobster factories.

2. As regards the Port Saunders factory I am unable to see that it has or does interfere with the French fishing or getting of bait. Capitaine de Vaisseau Humann, in his first letter to me (Inclosure 1), says of Keppel Island and Keppel Harbour, "being occupied in a permanent manner by our fishermen." I remained at Port Saunders for a week and visited all these places, which are quite adjacent. I found that the French had taken herrings for bait at the head of Keppel Harbour and kept them barred in alive for use when wanted; that there were only two French guardians there under canvas looking after the nets, and that bait-boats came from Port-au-Choix occasionally to take back bait. I also noticed that a small hut had been erected on Keppel Island, near where an old French room had formerly stood, but I never saw any sign of life in it.

3. I saw no French boats fishing within 6 miles of Keppel Island or Port Saunders. They were always anchored on banks outside Cape Riche. However, on receipt of Capitaine de Vaisseau Humann's letter, I gave an order to Mr. Shearer, prohibiting the fishermen he employs from setting their lobster trawls on those parts of the coast mentioned in the said order (Inclosure 3), so as to avoid any possible cause of complaints.

4. I would mention that at Port-au-Choix there are two French lobster industries which have been set up within the last two years, and their trawls are set all along the coast to Cape Riche, without apparently interfering with their own boats taking bait.

5. I have given Commander Campbell orders to do his best to see that the directions of my Memo. to Mr. Shearer are duly complied with.

6. The inference I draw from these complaints being made by the French fishermen is that they are irritated by the Bait Bill, and that they wish to get the lobster industry at Port Saunders and its neighbourhood into their own hands.

7. There has also been correspondence between Capitaine de Vaisseau Humann and myself, with complaints on both sides between the French fishermen at Red Island and the lobster factory at Black Duck Brook, Port-au-Port, but it is not yet complete, and I understand your telegram to refer to the Port Saunders matter. In this case Capitaine de Vaisseau Humann verbally admitted to me that his people were in the wrong. I sent the "Lily" to investigate the matter, and am of the same opinion.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 1 in No. 110.

Captain Humann to Captain Hamond.

M. le Commandant, *Port Saunders, le 18 Juin*, 1888.

LES emplacements de pêche de l'île et du havre de Keppel étant occupés cette année par nos pêcheurs, d'une façon permanente, ainsi que j'avais eu l'honneur de vous en informer l'an dernier, je suis dans l'obligation de renouveler près de vous la demande que je vous ai déjà adressée en 1887, savoir: de prescrire au Sieur Shearer de fermer son usine.

De nombreuses plaintes me sont déjà parvenues contre lui, et nos pêcheurs déchirent fréquemment leurs seines sur ses casiers; sa présence à moins d'un mille de nos établissements est une cause de gêne et de trouble constants pour nos pêcheurs, et malgré toutes les recommandations et les interdictions que vous avez bien voulu lui adresser, j'estime que la poursuite de ses opérations de pêche est incompatible avec le plein exercice des droits qui nous sont concédés par les Traités.

Veuillez, &c.
(Signé) HUMANN.

(Translation.)

Sir, *Port Saunders, June* 18, 1888.

THE fishing stations of the island and harbour of Keppel having been permanently occupied by our fishermen this season, as I had the honour of informing you last year, I find myself compelled to renew the demand which I made to you in 1887, namely, to call upon Mr. Shearer to close his factory.

Numberless complaints against him have already reached me, and the nets of our fishermen are constantly being torn by his traps; his presence at less than a mile's distance from our establishments is a source of constant inconvenience and annoyance to our fishermen, and, notwithstanding all the advice and warnings which you have been good enough to address to him, I consider that the pursuit of his fishing operations is incompatible with the full exercise of the rights granted to us by the Treaties.

Accept, &c.
(Signed) HUMANN.

Inclosure 2 in No. 110.

Captain Hamond to Captain Humann.

"*Emerald*," *at Port Saunders, Newfoundland,*
Sir, *June* 19, 1888.

I HAVE the honour to acknowledge your letter of the 18th June, containing a request that I should cause Mr. Shearer to close his lobster factory at this place. On the merits of the case I do not feel justified in taking such a measure, especially as I understand the question of lobster factories established by both nations is under the consideration of our respective Governments; but I have given orders to Mr. Shearer not to permit the fishermen to set lobster trawls round the shores of Keppel Island and Keppel Harbour, and also other portions of the coast which I have already explained to you on the Chart.

By these means, I think that any interruption to your fishermen's fishing or using seines for bait will be avoided.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 3 in No. 110.

Orders issued to Mr. Shearer.

Memo. "*Emerald*," *at Port Saunders, June* 16, 1888.

COMPLAINTS having been made by certain French captains of fishing-vessels, through Captain Humann, Chief of the French Naval Division in Newfoundland, that lobster trawls set by your fishermen on certain portions of the coast interfere with their fishing operations, I deem it my duty to forbid you in future to set lobster trawls anywhere north of the first point of rocks at Two Hills Point, that is, between the last-named point and Gargamelle Cove. No lobster trawls are to be placed in Keppel

Harbour, that is, between Point Saunders and Keppel Point, neither are any to be put round the shores of Keppel Island, or from Hawke Point to Mall Bay. I rely upon you to carefully fulfil these instructions so as to avoid any pretext for the French to make further complaints.

This order will hold good during this season, and till an English man-of-war visits Port Saunders next season, when circumstances may have altered.

(Signed) RICHD. H. HAMOND,
Captain and Senior Officer.

Mr. Shearer,
Lobster Factory, Port Saunders.

No. 111.

The Marquis of Salisbury to Mr. Egerton.

My Lord, *Foreign Office, August* 28, 1888.

WITH reference to my despatch of the 7th ultimo, I transmit herewith copy of a letter, with its inclosures, which I have received from the Lords Commissioners of the Admiralty on the subject of the working of the English lobster factories at Port Saunders, and on the parts of the coast of Newfoundland to which the French rights of fishing extend.*

You will observe that in the French Commodore Humann's letter to Captain Hamond of the 18th June, which forms one of the inclosures in the Admiralty letter, he states that the "emplacements de pêche de l'Ile de Keppel sont occupés cette année par nos pêcheurs d'une façon permanente;" and I have to request you to call the attention of the French Government to this statement, and, at the same time, to press them for an early answer to Mr. Elliot's note of the 8th ultimo with respect to the alleged assumption of territorial rights by the French authorities in White Bay, copy of which was inclosed in his despatch of the 8th ultimo.

I am, &c.
(Signed) SALISBURY.

No. 112.

M. Waddington to the Marquis of Salisbury.—(Received September 5.)

M. le Marquis, *Londres, le* 2 *Septembre,* 1888.

CONFORMÉMENT aux instructions de mon Gouvernement, j'ai l'honneur de porter à la connaissance de Votre Seigneurie des difficultés survenues à Terre-Neuve par suite de l'établissement, par un Sieur Shearer, originaire de la Nouvelle-Écosse, d'une homarderie à Ingarnachoix, French Shore.

L'établissement de cette usine a eu lieu en 1884. A cette époque le Sieur Shearer, qui avait précédemment épuisé par une pêche à outrance les gisements de homard de Sainte-Barbe, vint se fixer dans la baie précitée, à l'anse de Port Saunders. Son industrie a pris de l'extension, et il en est résulté pour nos nationaux un trouble grave dans l'exercice de la pêche. Les casiers à homards que le Sieur Shearer place en grand nombre sur des parties de la côte dont les Traités nous réservent l'exploitation, empêchent nos nationaux de déborder leurs seines qui sont aussitôt défoncées s'ils essayent de s'en servir. Les appareils et les procédés employés par cet industriel font, de plus, fuir le capelan; si bien que le maintien de son usine est devenu incompatible avec l'exercice de notre droit de pêche.

Ainsi que le Commandant de notre station navale avait eu le soin d'en avertir son collègue Britannique le 23 Août, 1887, les postes de pêche de l'Ile Keppel et de Port Saunders ont été concédés cette année à des goelettes Françaises. Malgré l'avis préalable donné par nos officiers, le Sieur Shearer a continué son industrie dans les mêmes conditions qu'auparavant: aucune opération sérieuse n'a été possible, nos pêcheurs ayant eu, comme précédemment, leurs seines défoncées par les casiers à homards.

Des plaintes ont été adressées par nos nationaux lésés dans leurs intérêts aux autorités navales Françaises. Celles-ci dès 1884, avaient formulé des observations au sujet de l'établissement du Sieur Shearer, et elles n'ont cessé de les renouveler depuis, d'une manière de plus en plus pressante, à mesure que la situation allait s'aggravant. Elle

* No. 110.

est devenue aujourd'hui telle qu'il est indispensable de la régler et que des conflits sont à craindre.

Le Commandant de la station navale Anglaise n'a pu se refuser à reconnaître qu'il y avait eu en effet gêne et trouble apporté dans la pêche de nos nationaux, et il a proposé de limiter à certaines étendues de côte les localités où le Sieur Shearer pourrait se livrer à la pêche. Mais cette offre ne saurait être considérée comme acceptable car, d'une part, à moins de maintenir un bâtiment dans Port Saunders pendant toute la durée de la campagne, ce qui n'est pas possible, de mauvais procédés quotidiens s'établiraient entre les pêcheurs des deux nations, établis à moins d'un mille les uns des autres, et contraints de se mêler pour gagner les eaux qui leur seraient ainsi arbitrairement attribuées. C'est justement ce résultat que la Déclaration de Versailles avait pour but d'éviter. D'autre part, nous ne saurions à aucun degré reconnaître qu'il appartient au chef de la station Anglaise de se porter lui-même juge de la gêne éprouvée par nos pêcheurs.

Ces observations ont été communiquées au Commandant Hamond, et en même temps, conformément à ses instructions, le Commandant Humann a demandé la fermeture de l'usine Shearer; il n'a reçu d'autre réponse qu'une fin de non recevoir, le Chef de la station navale Britannique lui ayant fait connaître que "les faits ne lui paraissaient pas de nature à justifier une pareille mesure."

Les pourparlers engagés sur les lieux n'ayant point permis de terminer l'affaire, j'ai l'honneur d'en saisir Votre Seigneurie. Il ne me sera point nécessaire, pour Lui démontrer la légitimité de notre réclamation, d'entrer dans une argumentation détaillée. Il me suffira de Lui rappeler combien les termes de la Déclaration de Versailles sont précis et formels. Les sujets Anglais ne doivent "troubler en aucune manière par leur concurrence la pêche des Français," et, comme je le signalais à Votre Seigneurie par ma dépêche du 3 Mars dernier, aucune difficulté d'interprétation ou de traduction ne peut être suscitée; la Déclaration de 1783 a été rédigée en Français seulement, et la clarté des termes qui y sont employées ne laisse rien à désirer. Dans l'exploitation qui nous est dévolue, nous devons jouir de la liberté de mouvements la plus complète, et si un obstacle était opposé à nos pêcheurs il devrait être levé dès que nous en ferions la réquisition; seuls nous pouvons être juges de l'obstacle ou de la gêne apportés à nos opérations parce que ce n'est qu'à cette condition que notre droit de libre jouissance peut avoir le caractère absolu que les Traités lui donnent. Cela est si vrai que déjà dans plus d'une circonstance analogue les autorités Anglaises ont reconnu elles-mêmes que tel était bien notre droit, et que telles en étaient les conséquences. Dans une réponse des jurisconsultes de la Couronne à une demande de consultation qui leur avait été adressée par Lord Palmerston, on lit à la date du 17 Avril, 1837 :—

"S'il existait réellement, dans les limites du district en question, un espace véritablement suffisant pour que les pêcheurs des deux nations pussent y pêcher sans être en contact les uns avec les autres, en ce cas nous pensons que ce pays ne serait pas astreint à empêcher ses sujets d'y pêcher. Il paraît cependant, d'après le rapport de l'Amiral Sir P. Halkett, que le fait est difficilement praticable, et nous pensons que, suivant la véritable portée du Traité et de la Déclaration, les sujets Britanniques sont exclus d'y pêcher s'ils ne peuvent le faire sans apporter quelque gêne à la pêcherie Française." Une lettre du Ministre des Colonies de Sa Majesté Britannique à Mr. Darling, Gouverneur de Terre-Neuve, en date du 16 Janvier, 1857, contient des indications semblables. "Il suffit de dire," y lit-on, "que la conclusion fixée par vous-même est réellement celle à laquelle une investigation impartiale pourrait à peine manquer d'arriver; que les termes établissant les droits des Français fussent logiquement équivalents ou non au mot exclusif, ils l'étaient réellement dans la pratique. Puisque les pêcheurs Anglais ne pouvaient pas gêner les pêcheurs Français par leur concurrence, il était de peu d'importance qu'ils eussent en théorie un droit de concurrence que les Français étaient toujours autorisés à faire cesser à leur gré."

Je serai reconnaissant à Votre Seigneurie de vouloir bien examiner la question dont j'ai l'honneur de La saisir, le plus tôt possible, avec toute l'attention qu'elle comporte. La solution n'en saurait être incertaine, et je ne puis douter que le Gouvernement de Sa Majesté ne reconnaisse l'intérêt urgent qui s'attache à ce que ses officiers reçoivent sans délai les instructions nécessaires pour prévenir des difficultés dont la responsabilité ne saurait nous incomber, et pour prononcer la fermeture de l'usine du Sieur Shearer.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, September* 2, 1888.

IN accordance with the instructions of my Government, I have the honour to bring to the knowledge of Your Lordship the difficulties that have arisen in Newfound-

land in consequence of the establishment by a Mr. Shearer, a native of Nova Scotia, of a lobster factory at Ingarnachoix, on the "French Shore."

The establishment of this factory dates from 1884. At that period Mr. Shearer, who had previously exhausted the lobster grounds of St. Barbe's by continuous fishing, established himself in the above-mentioned bay, at Port Saunders Cove. He extended his operations, which had the effect of causing serious difficulties to our citizens in the exercise of their fishing. The lobster-traps which Mr. Shearer places in large numbers on portions of the coast the use of which is reserved for our use by the Treaties, prevent our citizens from casting their seines, which are at once torn in the attempt to use them. The gear and the contrivances adopted by this person also drive away the capelin; so much so, that the maintenance of his factory has become incompatible with the exercise of our fishery rights.

As the Commander of our naval station had taken care to warn his British colleague on the 23rd August, 1887, the fishing stations at Keppel Island and at Port Saunders had that year been granted to French schooners. Notwithstanding the necessary notice given by our officers, Mr. Shearer continued his operations under the same conditions as before; no serious business was therefore possible, the seines of our fishermen being, as on former occasions, torn by the lobster-traps.

Complaints were addressed by our citizens, whose interests suffered, to the French naval authorities. The latter since 1884 had made representations in regard to Mr. Shearer's establishment, and have not failed to renew them since in a more and more pressing manner, as the gravity of the state of affairs increased. It has become so critical at the present moment that it is absolutely necessary to regulate it, as conflicts are to be feared.

The Commander of the British naval station could not but admit that the fishing operations of our citizens had indeed been inconvenienced and interfered with, and he proposed to limit to certain parts of the coast the places in which Mr. Shearer could pursue his fishing operations. But this offer could not be looked upon as acceptable, considering that, on the one hand, unless a vessel were stationed at Port Saunders during the whole length of the season, which is not possible, daily collisions would take place between the fishermen of both nations, placed, as they are, at a distance of less than a mile from each other, and forced to cross one another in order to reach the waters which would thus arbitrarily be assigned to them. It was this very result which the Declaration of Versailles was intended to obviate. On the other hand, we could in no way admit that it appertains to the Chief of the British station to constitute himself the judge of the restraint suffered by our fishermen.

These remarks were communicated to Commander Hamond, and, at the same time, in accordance with his instructions, Commander Humann asked for the closing of Shearer's factory: the only reply he received was a refusal to act, the Commander of the British naval station informing him that "the facts of the case did not appear to justify such a measure."

The interchange of communications on the spot not having been conducive to a settlement of the question, I have the honour to refer it to Your Lordship. It will not be necessary for me to enter upon a detailed argument in order to prove to Your Lordship the validity of our claim. It will suffice to remind you how precise and formal was the wording of the Declaration of Versailles. British subjects are in no way to "*troubler* by their competition the fishery of the French," and, as I pointed out to your Lordship in my despatch of the 3rd March last, no difficulty of interpretation or translation can be raised; the Declaration of 1783 was drawn up in French only, and the clearness of the terms used in it leaves nothing to be desired. In the carrying out of the industry which is vested in us we are to enjoy the most complete liberty of action, and, if an obstacle is put into the way of our fishermen, it would have to be removed as soon as we made the request: we alone can be judges of the obstacle or the hindrance to our operations, since this is the only condition on which our right to the free enjoyment of fishing can have the absolute character which the Treaties give to it. This is so true, that in more than one analogous case the British authorities have already themselves admitted that such was our undoubted right and such its logical outcome. In a reply of the Law Officers of the Crown to a question asked them by Lord Palmerston, we read, under date of the 17th April, 1837:—

"If there were really good room within the limits of the district in question for the fishermen of both nations to fish, without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there. It appears, however, from the Report of Admiral Sir P. Halkett, that this is hardly

practicable, and we are of opinion that, according to the true construction of the Treaty and Declaration, British subjects are precluded from fishing if they thereby cause any interruption to the French fishery." A letter of Her Majesty's Secretary of State for the Colonies addressed to Mr. Darling, Governor of Newfoundland, dated the 16th January, 1857, contains similar expressions. "Suffice it for the present to say," it says, "that the conclusion drawn by yourself . . . . . is substantially that at which impartial investigation could scarcely fail to arrive. Whether the terms conveying the French right were logically equivalent or not to the term 'exclusive,' they were at all events practically so. Since English fishermen could not interrupt French fishermen by 'competition,' it was of little importance whether they had in theory a 'concurrent' right, since they could always be warned off by the French."

I should be obliged if Your Lordship would kindly, as soon as possible, examine the question, which I have the honour to refer to Your Lordship, with all the attention it deserves. There can be no uncertainty about its solution, and I cannot doubt but that Her Majesty's Government will recognize the great importance of the fact that their officers should, without delay, receive the necessary instructions to obviate difficulties, for which we could not be held responsible, and to decree the closing of Mr. Shearer's factory.

I have, &c.
(Signed) WADDINGTON.

No. 113.

Mr. Egerton to the Marquis of Salisbury.—(*Received September* 7.)

My Lord, *Paris, September* 4, 1888.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 28th ultimo, calling attention to the words used by the French Commodore Humann to describe the nature of the French fishing establishments on the Island of Keppel and pressing them for an answer to Mr. Elliot's note of the 8th July on the subject of the alleged assumption of territorial rights by the French authorities in White Bay.

A copy of my note is inclosed herewith.

I have, &c.
(Signed) EDWIN H. EGERTON.

Inclosure in No. 113.

Mr. Egerton to M. Goblet.

M. le Ministre, *Paris, September* 4, 1888.

ON the 8th July Mr. Elliot had the honour to address to your Excellency a note containing information received by Her Majesty's Government, to the effect that a five years' Concession of the exclusive right of lobster fishing in White Bay, Newfoundland, having been given by the Government of the Republic to a French Company, permanent buildings were now being erected on the shore by the latter, and that, at the same time, the French authorities had prevented the building of a similar lobster packing factory by British subjects.

I am now instructed to call your Excellency's attention to another instance of the apparent assumption of territorial rights in Newfoundland by the French authorities.

It appears from a correspondence which has lately passed between the Commodore of the French squadron on the coast and Captain Hamond, of Her Majesty's ship "Emerald," respecting the working of a British lobster factory at Port Saunders, that Commodore Humann, in a letter of the 18th June last, made use of the following expression :—

"Les emplacements de pêche de l'île et du havre de Keppel étant occupés cette année par nos pêcheurs d'une façon permanente."

Whilst bringing the above to your Excellency's knowledge, I have to add that I would esteem it a favour if your Excellency would enable me to acquaint Her Majesty's Government with the answer of the Government of the Republic to the note from this Embassy to which I have the honour to draw your Excellency's attention.

I have, &c.
(Signed) EDWIN H. EGERTON.

No. 114.

Colonial Office to Foreign Office.—(*Received October* 3.)

Sir, *Downing Street, September* 29, 1888.

WITH reference to the letters from this Department of the 13th March last, relating to the question of the marking of fishing-vessels on that part of the coast of Newfoundland to which the French rights of fishery extend, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing the Reports of the naval officers on the station, from which it appears that the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out.

It will be observed that Captain Hamond states that "the law as it stands is sufficient if carried out," and that the Governor, in writing to Captain Hamond, under date the 21st July, incloses a communication from the Acting Receiver General, from which it appears that the necessary instructions have been issued to the Customs authorities at St. John's and in the outports to see that the requirements of the law are complied with.

It would seem, therefore, that sufficient steps have now been taken to meet the wishes of the French Government, with a view to facilitate the identification of local vessels in cases of interference with or against French fishermen; but Lord Knutsford has, nevertheless, addressed a despatch to the Governor, of which a copy is inclosed, desiring him to impress upon his Ministers the necessity of insisting upon the strictest observance of the law in the case of all vessels to which it applies, and directing him to invite their attention to the suggestion of Captain Hamond to the effect that small undecked vessels and boats should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 114.

Admiralty to Colonial Office.

Sir, *Admiralty, September* 1, 1888.

WITH reference to your letter of the 13th March, on the subject of distinctive marks on Newfoundland fishing-vessels, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the perusal of the Secretary of State for the Colonies, copy of a submission from the Commander-in-chief on the North American and West Indian Station, dated the 15th August, inclosing copy of a letter from Captain Hamond, of Her Majesty's ship "Emerald," stating that the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 2 in No. 114.

Vice-Admiral Lyons to Admiralty.

Halifax, August 15, 1888.

SUBMITTED.

I would remark that from personal observation when at St. John's last month I found several decked coasting-vessels and fishing-schooners in the port with no name anywhere marked. Thus, the requirements of "The Merchant Shipping Act, 1854," which are in force in the Colony, are not carried out as they should be.

I would submit that the attention of the Government of Newfoundland should be directed to the great importance of strictly carrying into effect the law relating to distinctive marks on Newfoundland coasting and fishing vessels, the neglect of which, owing to the difficulty in identification, is the cause of constantly recurring complaints from English and French naval officers alike.

(Signed) ALGERNON LYONS.

Inclosure 3 in No. 114.

Captain Hamond to Vice-Admiral Lyons.

Sir, *"Emerald," at Fogo, Newfoundland, July* 23, 1888.

IN accordance with your Memorandum of the 7th April, 1888, I have the honour to report that the Merchant Shipping Acts of 1854 and 1873 are in force in this Colony.

2. As regards that part of the Act which requires all vessels with a whole or fixed deck to have their names and port of registry painted on their sterns, and also their names painted on each bow, I find that the law is not enforced by the local authorities. From my own observations on the 10th July at the port of St. John's, I found hardly any fishing-schooners or coasting-traders (wholly decked vessels, generally I should judge between 20 and 30 tons) had their names painted on the bows. The law as it stands is sufficient if carried out.

3. All these vessels have to get a yearly clearance from the Collector of Customs at the port from which they fit out, so that if the Collectors did their duty there would be no difficulty in the matter.

4. As regards the small undecked vessels and boats, I do not think they have been the cause of any serious complaints, although I would suggest that on any parts of the coast where there are local authorities it would be a good thing if a system of marking such small craft and boats by numbers and capital letters (the latter to denote the ports to which they belong) was adopted. A system such as is in use in the North Sea with our own fishing-boats would meet the case.

5. I addressed a letter to the Governor of Newfoundland on arriving at St. John's informing him that vessels clearing from that port did not comply with the Merchant Shipping Act, with the view that he might cause the law to be complied with in this Colony.

I inclose his reply, and also the Report of the Acting Receiver-General.

I have, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 114.

Captain Hamond to Governor Blake.

Sir, *"Emerald," at St. John's, Newfoundland, July* 10, 1888.

AS I have received instructions from the Commander-in-chief to ascertain the law on certain points connected with the registration, &c., of vessels fitting out from Newfoundland ports, I have the honour to request that your Excellency will assist me by official information on this subject, and especially as to whether the Acts known as the Merchant Shipping Acts, 1854 and 1873, are in force in this Colony.

I am, &c.

(Signed) RICHD. H. HAMOND.

Inclosure 5 in No. 114.

Governor Blake to Captain Hamond.

Government House, St. John's, Newfoundland,

Sir, *July* 21, 1888.

WITH reference to your letter respecting the marking of vessels under the terms of "The Merchant Shipping Act, 1873," I have the honour to inform you that I have caused inquiry to be made.

I inclose the answer of the Acting Receiver-General, by which you will observe that the necessary instructions have been issued to the Customs authorities here and in the outports to see that the requirements of the law are complied with.

I have, &c.

(Signed) HENRY A. BLAKE.

Inclosure 6 in No. 114.

Sir R. Thorburn to Lord G. Fitzgerald.

Sir, *St. John's, July* 21, 1888.

WITH respect to his Excellency's inquiry *re* marking of vessels, orders have been issued here, and will be repeated to Outport Collectors, to see what requirements of the Act are complied with in their various districts.

I have, &c.

(Signed) ROBERT THORBURN,
Acting Receiver-General.

Inclosure 7 in No. 114.

Lord Knutsford to Governor Blake.

Sir, *Downing Street, September* 29, 1888.

WITH reference to previous correspondence relating to the question of the marking of fishing-vessels so as to insure their identification in case of necessity, I have the honour to transmit to you a copy of a letter from the Admiralty, inclosing copy of a communication from the Commander-in-chief of the North American and West Indian Station, with copy of a letter from Captain Hamond, of Her Majesty's ship "Emerald," from which it appears that the requirements of the Merchant Shipping Act have not in the past been carried out in the Colony.

I am pleased to observe, however, from the letter which you addressed to Captain Hamond on the 21st July last, that instructions have been issued to the Customs authorities at St. John's and in the outports to see that the requirements of the law are complied with.

You will be so good as to impress upon your Ministers the necessity for insisting upon the strictest observance of the law in the case of all vessels to which it applies, and you will invite their attention to the advisability of adopting the suggestion made by Captain Hamond to the effect that small undecked vessels and boats should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I have, &c.

(Signed) KNUTSFORD.

No. 115.

The Earl of Lytton to the Marquis of Salisbury.—(Received November 3.)

My Lord, *Paris, November* 2, 1888.

WITH reference to Mr. Egerton's despatch of the 4th September, I have the honour to transmit herewith a copy of a note which I have received from the French Minister for Foreign Affairs in reply to the communications which were addressed to him in execution of the instructions contained in your Lordship's despatches of the 7th July and of the 28th August, on the subject of questions relating to the Newfoundland fisheries.

Firstly, with regard to the fishing Concession granted in White Bay, M. Goblet declares that its terms concern only the French Government and the grantee, provided that the fishing is carried on in a manner not contrary to Treaty; and he asserts, and supports the assertion by a photograph, that the establishments erected there do not depart from the temporary character which is required by Treaty.

Secondly, the phrase used by the French Commodore, in a letter to Captain Hamond, that "les emplacements de pêche sont occupés cette année par nos pêcheurs d'une façon permanente," is explained to have meant that they were permanently occupied for the season only.

In conclusion, M. Goblet observes that the only infraction of the Treaties which calls for notice consists in the impediments ("troubles") to the operations of the French fishermen caused by Mr. Shearer's industry.

I have, &c.

(Signed) LYTTON.

Inclosure 1 in No. 115.

M. Goblet to the Earl of Lytton.

M. l'Ambassadeur, *Paris, le 30 Octobre,* 1888.

SE référant à une lettre en date du 8 Juillet dernier, qui m'avait été adressée par le Chargé d'Affaires d'Angleterre, au sujet de la Concession à une Compagnie Française pour une durée de cinq ans, d'une usine à homards dans la Baie Blanche à Terre-Neuve, Mr. Egerton a, le 4 Septembre, appelé mon attention sur le développement et le caractère de permanence que présentaient, d'après les informations receuillies par le Gouvernement Britannique, les bâtiments de cette exploitation et sur la nécessité par suite d'arrêter l'entreprise de nos nationaux. Le Ministre d'Angleterre me signalait, en même temps, comme contraire aux droits de souveraineté qui appartiennent à la Couronne Britannique sur l'Ile de Terre-Neuve, un passage d'une lettre adressée, le 18 Juin, par le Commandant Humann au Capitaine Hamond, relativement à l'usine à homards établie par le Sieur Shearer à Port Saunders, et dont les opérations sont une cause de trouble pour l'exercice de notre droit de pêche. Le passage était ainsi conçu: "Les emplacements de pêche de l'île et du havre de Keppel étaient occupés cette année par nos pêcheurs d'une façon permanente."

Je n'avais pas manqué de saisir le Ministre de la Marine de l'incident soulevé par les établissements que nos compatriotes ont formés dans la Baie Blanche. Les communications que l'Amiral Krantz a dû échanger avec le Commandant-en-chef de notre station navale, pour être en mesure de se rendre un compte exact des conditions dans lesquelles s'était créée et fonctionnait cette exploitation, ont pris un certain temps et ne m'ont pas permis, à moi-même de fournir plutot au Gouvernement de la Reine des explications complètes sur l'affaire dont il nous a entretenus.

Il résulte desi nstructions détaillées qui sont transmises par le Ministre de la Marine à mon Département, que nous n'avons attribué à aucune Compagnie les emplacements de pêche de la Baie Blanche dans des termes différents de ceux dans lesquels les Traités réservent notre droit d'exploitation. C'est là, d'ailleurs, un point d'ordre purement contractuel et qui, votre Excellence le reconnaîtra, concerne exclusivement le Gouvernement Français et le concessionnaire, M. Thubé Lourmand. Le Gouvernement Britannique ne pourrait être fondé à élever des réclamations que si, en fait, l'industrie de nos nationaux s'exerçait dans des conditions contraires aux Traités. Or, il ressort des constatations de nos officiers que les installations de M. Thubé Lourmand dans le bras du sud et dans celui de Hawling, sur la côte est de Terre-Neuve, ne peuvent être considérés comme s'écartant du caractère de construction temporaire imposée par les Traités. L'épreuve photographique, ci-jointe, qui représente le principal chauffaud élevé par cet armateur, permettra au Gouvernement Britannique de s'en rendre compte. Il convient, d'ailleurs, d'ajouter que le caractère de ces établissements a été apprécié de la même façon, par les officiers des deux stations, et le Commandant du croiseur Anglais "Forward," comme votre Excellence le verra par la copie, également ci-jointe, d'un ordre émanant de cet officier, n'a pas hésité à notifier au Sieur Murphy, possesseur d'une usine à homards, établie sur la côte est de la Baie Blanche, qu'il eut à cesser une exploitation qui entravait l'exercice des droits de pêche attribués aux Français. On s'explique difficilement, dès lors, l'accueil favorable que la réclamation de ce sujet Anglais a rencontré à Saint-Jean et même à Londres.

En ce qui touche la seconde partie de la communication précitée de Mr. Egerton et aux termes dans lesquels le Commandant Humann a cru devoir motiver, auprès du Capitaine Hamond, sa demande d'éviction concernant le Sieur Shearer, votre Excellence me permettra de lui rappeler les circonstances dans lesquelles cette correspondance a été échangée. Pendant la campagne de 1887, des pêcheurs Français avaient éprouvé dans le havre de Keppel certaines difficultés à exercer leur industrie, du fait des casiers du Sieur Shearer qui, dès cette époque, mais dans des conditions beaucoup plus modestes, se livrait à la pêche du homard à Port Saunders. Toutefois, le Commandant Humann, s'inspirant de l'esprit de conciliation dont il ne s'est jamais départi et de son vif désir d'éviter toute occasion de conflit, crut devoir s'abstenir de formuler une réclamation précise contre l'installation de Shearer, dont les opérations ne lui paraissaient alors de nature à ne causer qu'une gêne accidentelle et peu considérable à nos nationaux.

Mais, cette année, nos pêcheurs ayant occupé le havre et l'Ile Keppel durant toute la durée de la campagne, c'est-à-dire d'une façon permanente pendant l'été et rencontrant dans le fonctionnement de l'usine Shearer une gêne et un obstacle continus et graves, le chef de notre station navale s'est vu dans la nécessité de réclamer l'éviction de ce sujet

Britannique et il a été ainsi amené à faire remarquer au Capitaine Hamond que notre occupation actuelle était permanente, en ce sens qu'elle ne cesserait pas avant la fin de la saison.

Telle est l'exacte portée de l'expression employée par M. Humann, et l'officier Anglais à qui il s'adressait a une trop longue expérience des affaires de Terre-Neuve pour que le Commandant de notre station navale ait pu penser un moment qu'il se méprendrait sur la signification de ce passage de sa communication.

Ces explications suffiront, je l'espère, pour convaincre le Gouvernement de la Reine que nous n'avons d'établissements permanents dans le sens où les Traités l'entendent et l'interdisent, ni à Port-au-Choix ni à la Baie Blanche, et que la seule infraction à ces mêmes Traités qu'il y ait à relever consiste en réalité, dans le trouble causé par l'exploitation du Sieur Shearer aux opérations de nos pêcheurs.

Agréez, &c.
(Signé) RENÉ GOBLET.

(Translation.)

M. l'Ambassadeur, *Paris, October* 30, 1888.

IN referring to a note dated the 8th July last addressed to me by the British Chargé d'Affaires respecting the Concession to a French Company for a period of five years of a lobster factory in White Bay in Newfoundland, Mr. Egerton on the 4th September called my attention to the development and permanent character presented, according to information in the possession of the British Government, by the buildings of this undertaking, and to the consequent necessity of arresting the enterprise of our citizens. The British Minister pointed out at the same time, as contrary to the rights of sovereignty inherent in the British Crown over the Island of Newfoundland, a passage in a letter addressed on the 18th June by Commander Humann to Captain Hamond relative to the lobster factory established by Mr. Shearer at Port Saunders, the operations of which constitute a disturbance to the exercise of our right of fishing. The passage ran as follows: "The fishing stations of the island and harbour of Keppel were permanently occupied by our fishermen this season."

I did not fail to acquaint the Minister of Marine of the incident raised by the establishments formed by our compatriots at White Bay. The communications which had to pass between Admiral Krantz and the Commander-in-chief of our naval station in order to put the former in a position to accurately judge the conditions on which this undertaking had been entered upon and was being worked, have taken some time, and have made it impossible for me to furnish sooner full explanations to Her Majesty's Government on the matter which they have brought before us.

The outcome of the detailed reports transmitted by the Minister of Marine to my Department is, that we have not granted privileges to any Company for fishing stations in White Bay in terms differing from those in which the Treaties reserve our fishing rights. This is, in any case, purely a matter of contract, and one which your Excellency will acknowledge to be exclusively the concern of the French Government and the owner of the concession, M. Thubé Lourmand. The British Government could only found claims if in point of fact the industry of our citizens was carried on under conditions contrary to the Treaties. But it is proved by the inquiries of our officers that the establishments of M. Thubé Lourmand on the South Arm and on Hauling Arm on the east coast of Newfoundland cannot be considered to depart from the character of temporary constructions laid down by the Treaties. The inclosed photograph which represents the drying scaffold erected by this ship-owner will enable the British Government to appreciate this. I may also add that the character of these establishments has been understood in the same manner by the officers of the two squadrons, and the Commander of the British cruizer "Forward," as your Lordship will perceive from the inclosed copy of an order emanating from that officer, did not hesitate to notify Mr. Murphy, the owner of a lobster factory established on the east coast of White Bay, that he must refrain from an enterprise which impeded the exercise of fishery rights granted to Frenchmen. It is difficult to understand after this the favourable reception with which the claim of this British subject has met at St. John's, and even in London.

In regard to the second part of Mr. Egerton's above cited communication, and to the terms in which Commander Humann thought it his duty to couch his request to Captain Hamond for the eviction of Mr. Shearer, your Excellency will allow me to recall the circumstances in which this correspondence took place. During the season of 1887 some French fishermen experienced in Keppel Harbour certain difficulties in pursuing their industry on account of the traps of Mr. Shearer, who, at that period but

in a much smaller way, carried on a lobster fishery at Port Saunders. In any case, Commander Humann, animated by the conciliatory spirit from which he has never swerved, and a keen desire to avoid all risk of collision, thought it his duty to abstain from making any formal complaint against the Shearer establishment, the operations of which seemed to him at that time of such a nature as to cause only a temporary and slight hindrance to our citizens.

But this season our fishermen having occupied the harbour and island of Keppel throughout the whole duration of the season, that is to say, in a permanent manner during the summer, and meeting in the working of the Shearer factory with a continual and grave hindrance and impediment, the chief of our naval station was under the necessity of requesting the removal of this British subject, and so was led to remark to Captain Hamond that our actual occupation was permanent, in the sense that it would not cease before the end of the season.

Such is the exact meaning of the expression used by M. Humann, and the British officer to whom it was addressed has too long an experience of Newfoundland affairs for the Commander of our naval station to be likely to imagine for a moment that he would misunderstand this passage of his communication.

These explanations will suffice, I hope, to convince Her Majesty's Government that we have no permanent establishments, in the sense intended and prohibited by the Treaties, either at Port-au-Choix or at White Bay, and that the sole infraction of these same Treaties which has to be mentioned consists, in reality, in the disturbance caused by Mr. Shearer's operations to those of our fishermen.

I have, &c.
(Signed) RENÉ GOBLET.

Inclosure 2 in No. 115.

Order issued by Commander Bearcroft.

PAR ordre de John E. Bearcroft, Esq., Lieutenant et Commandant de la canonnière "Forward" de Sa Majesté Britannique, à John Murphy.

Attendu que les droits de pêche concédés aux sujets Français seraient interrompus et entravés par la pêche des homards et le travail des factoreries sur la côte est de la Baie Blanche, je vous notifie que la pêche des homards et le travail des factoreries qui sont sous votre direction doivent être cessés.

Fait par mes ordres à bord du canonnière "Forward" de Sa Majesté Britannique au bras du Hauling de la Baie Blanche.

(Signé) JOHN E. BEARCROFT.

Le 29 *Juin*, 1888.

(Translation.)

ORDER issued by Commander Bearcroft to Mr. J. Murphy.

Whereas the right of fishing enjoyed by French subjects would be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that fishing for lobsters, and the working of the factory under your management is to be discontinued.

Given under my hand, on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

No. 116.

Colonial Office to Foreign Office.—(Received November 5.)

(Extract.) *Downing Street, November* 3, 1888.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of the accompanying Acts passed in the last Session of the Legislature of Newfoundland.

Chapter VIII, providing for the abolition of cod-traps, has already formed the subject of correspondence with the Foreign Office.

The reasons for the amendment of the Bait Act of last year by Chapter IX were communicated to you in the letter from this Department of the 7th May last.

Lord Knutsford proposes, with Lord Salisbury's concurrence, to advise Her Majesty not to disallow any of these Acts.

Inclosure 1 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. VII.—*An Act to amend Title 27, Cap. 103, of the Consolidated Statutes, entitled "Of Inland Fisheries."*

[*Passed 9th May*, 1888.]

Section 1. Close time for trout, &c., and penalty.
2. Penalties, how recoverable.

Enacting clause.

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Close time for trout, &c., and penalty.

1. No person shall catch, kill, or take any kind of trout, char, whitefish, land-locked salmon, or any fresh-water or migratory fish in any lake, river, or stream of this Colony between the 15th day of September and the 1st day of December in any year, under a penalty of not exceeding 10 dollars for each offence, and, in default of payment, imprisonment for not exceeding ten days.

Penalties, how recoverable.

2. The penalties under this Act may be sued for and recovered in a summary manner before a Justice of the Peace by any person who shall complain of and prosecute the offender to conviction.

Inclosure 2 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. VIII.—*An Act respecting the Abolition of Cod-Traps.*

[*Passed 9th May*, 1888.]

Section 1. Unlawful to use cod-traps after two years.
2. Penalty.
3. Cod-traps used in contravention of this Act may be seized.
4. How penalty distributed.

Enacting clause.

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Unlawful to use cod-traps after two years.

1. After two years from the date of the passing of this Act, it shall be unlawful for any person to use any cod-trap for the purpose of catching or taking any codfish on the coast of this Colony or its dependencies.

Penalty.

2. Any person who shall violate the provisions of this Act shall be subject to a penalty not exceeding 400 dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace, and in default of payment of such penalty, such offender shall be subject to a term of imprisonment not exceeding six months.

Cod-traps used in contravention of this Act may be seized.

3. Any cod-trap used in contravention of this Act may be seized by any Justice, Sub-Collector of Customs, Preventive Officer, Fishery Warden, or Constable, on view, or by warrant, issued by such Justice, Sub-Collector, or Preventive Officer, upon complaint made on oath, to be administered by any of them, and detained until the trial of the offender, and, upon conviction, the same may be declared forfeited and ordered to be sold at public auction.

How penalty distributed.

4. The proceeds of such sale, and the penalties imposed upon such conviction, shall, after payment of all costs of prosecution, be distributed as follows, viz.: one moiety to the person prosecuting the offender to conviction, and the residue to the Receiver-General for the use of the Colony.

Inclosure 3 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. IX.—*An Act to amend an Act passed in the 50th year of the Reign of Her present Majesty, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."*

[*Passed 9th May*, 1888.]

Section 1. Construction.
2. Governor in Council may authorize issue of licences.
3. As to the form of licence.
4. Who shall sign and countersign same.
5. To whom applications shall be made.
6. Penalty in certain cases.
7. Governor in Council may limit or suspend operation of Act.
8. First section of 50 Vict., cap. 1, amended.

Preamble. WHEREAS it is desirable to make further provision for carrying into effect the objects of the Act 50 Vict., cap. 1, entitled "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and to remove doubts in relation thereto.

Enacting clause. Be it therefore enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows:—

Construction. 1. In the construction of the said Act, the terms "export" and "exportation" shall be held to signify a conveyance to any place and for any purpose outside of or beyond the limits of the territorial waters of this Colony or its dependencies.

Governor in Council may authorize issue of licences. 2. The Governor in Council may authorize the issue of licences to purchase herring, capelin, squid, or other bait fishes, to be used by the purchasers, *bonâ fide*, for the purposes of bait in the prosecution of the fishery upon, or adjacent to, the coasts of this Colony or its dependencies, or of the Bank fishery.

As to the form of licence. 3. Every licence granted under the authority of this Act, and of the above-recited Act, shall state the name of the person to whom it is granted, of the vessel in which it is intended to export bait or to carry on the fishery, of the country or place to which it is intended to export bait, or the fishery which is intended to be prosecuted, or for which bait is required, the place (as nearly as may be) where such fishery is to be prosecuted, and the period for which such licence is to be available, which shall not in any case extend beyond the then present fishing season; and the form prescribed in the Schedule to the said Act may be amended and adapted to the circumstances herein provided, and every sale to a person holding and producing a licence issued under this Act, or the said Act, *bonâ fide*, for the purposes therein specified, shall be lawful.

Who shall sign and countersign same. 4. All licences issued under the authority of this Act shall be signed by a Customs officer, and countersigned by a Stipendiary Magistrate.

To whom applications shall be made. 5. Application for licences under this Act and the said above-recited Act may be made to a Stipendiary Magistrate or Customs officer, who shall require the applicant to make before him an affidavit in the form set forth in the Schedule to this Act, stating the facts and particulars as required to be set forth in such licence under section 3 of this Act; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act, or of the above-recited Act.

Penalty in certain cases. 6. Any person who, having obtained a licence under the provisions of the said Act, or of this Act, shall depart from, exceed, or violate the terms or conditions thereof, shall be liable to the same penalties as are provided in, and by, the said Act for violation of the provisions thereof, and, in addition to such penalties, to a forfeiture of the licence.

Governor in Council may limit or suspend operation of Act 7. The Governor in Council may, at any time, by Proclamation, suspend or limit the operation of the provisions of said Act in relation to any district or part of this Colony, or the coasts thereof, and for such period, and in relation to sale or exportation to such places or to such purposes, as shall appear expedient, and as shall be declared and defined in such Proclamation.

First section of 50 Vict., cap. 1, amended. 8. The first section of the said Act is hereby amended, by inserting after the word "therein," in subsection 3 of said section, the words "for bait purposes."

SCHEDULE.

Form of Affidavit mentioned in the Fifth Section.

Schedule.

Newfoundland, to wit,

I, A. B., of , make oath and say I am the owner (master, or as the case may be) of the boat or schooner ; that I am (or that the said is) desirous of obtaining a licence to haul, or catch, or purchase, (as the case may be) bait, to be conveyed (or used) on board the said vessel to (state the place to which it is proposed to convey or export bait or) to be used on board the said vessel at the fishery to be carried on at (place where the fishery is to be prosecuted), and that I desire such licence to avail and be in force for said (voyage or purpose) for a period of

Sworn before me, at , this day of , A.D. 18 .

(Signed) A. B.

C. D., *Stipendiary Magistrate.*

or,

E. F., *Sub-Collector of Customs* (or as the case may be).

Inclosure 4 in No. 116.

ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.

CAP. X.—*An Act to amend an Act passed in the Forty-first Year of the Reign of Her present Majesty, entitled "An Act respecting the Fishery of Lobsters."*

[*Passed 9th May*, 1888.]

Section 1. No lobster of less than 10½ inches shall be taken.
2. Close time between 31st August and 1st January.
3. Penalty, how recoverable.
4. Act to come into operation in 1889.
5. Repealing clause.

Enacting clause.

BE it enacted by the Governor, the Legislative Council, and House of Assembly, in Legislative Session convened, as follows :—

No lobster of less than 10½ inches shall be taken.

1. No person shall catch, kill, spear, take, buy, sell, or have in possession any lobster of less than 10½ inches in length, under a penalty of not exceeding 100 dollars for each offence, a moiety of such penalty to be paid to any person who shall prosecute the offender to conviction, and the other moiety to the Receiver-General, for the use of the Colony, and in default of payment, imprisonment for any term not exceeding ninety days.

Close time between 31st August and 1st January.

2. No lobster shall be taken before the 1st day of February or after the 31st day of August, in any year, under a penalty of not exceeding 100 dollars for each offence, a moiety of such penalty to be paid to any person who shall prosecute the offender to conviction, and the other moiety to the Receiver-General for the use of the Colony, and in default of payment, imprisonment for any term not exceeding ninety days.

Penalty, how recoverable.

3. The penalties imposed by this Act shall be recovered in a summary manner, on conviction, before any Justice, on complaint or information of any Peace Officer or other person.

Act to come into operation in 1889.

4. This Act shall not come into operation until the 1st day of January, 1889.

Repealing clause.

5. The Act 41 Vict., cap. 16, is hereby repealed.

No. 117.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 5, 1888.

WITH reference to my letter of the 28th July last, in which I informed your Excellency that measures were being taken by Her Majesty's Government to insure

the marking of British fishing-vessels on that part of the coast of Newfoundland to which French rights of fishing extend, I have the honour to state that orders have been issued by the Government of Newfoundland to the Colonial Customs authorities to see that local fishing-vessels are properly marked in accordance with the requirements of the Merchant Shipping Act which are in force in that Colony.

Ships, however, not exceeding 15 tons burden, which have a whole or fixed deck, and ships not exceeding 30 tons burden, which have not a whole or fixed deck, are excepted from the provisions of that Act.

I trust, M. l'Ambassadeur, that sufficient steps have now been taken to meet the wishes of the French Government with a view to facilitate the identification of local fishing-vessels; but the Governor of Newfoundland has been further directed to impress upon his Ministers the necessity of insisting upon the strictest observance of the law in the case of all vessels to which it applies, and to recommend that the vessels of the smaller class should be marked by numbers and capital letters, the latter to denote the ports to which they belong.

I have, &c.
(Signed) SALISBURY.

No. 118.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, November* 23, 1888.

I HAVE carefully considered, in conjunction with Her Majesty's Secretary of State for the Colonies, your Excellency's note of the 2nd September on the subject of the lobster fishery carried on by Mr. Shearer at Port Saunders, on the west coast of Newfoundland.

I have the honour to inform your Excellency that Her Majesty's Government have received Reports from the British naval officers on the Newfoundland Station on this subject, which show that proper and sufficient steps were taken by Captain Hamond to satisfy the obligation imposed by the engagements between this country and France to prevent Mr. Shearer from interfering in any way with the reasonable enjoyment by French citizens of their rights of fishery.

Her Majesty's Government are unable to assent to the claim advanced by your Excellency that the French Government must be the sole judge as to what constitutes such interference within the terms of the British Declaration of 1783.

That is a question on which both Governments have an equal right to form an opinion, and as to which Her Majesty's Government have always endeavoured to meet the views of the French Government as far as was possible consistently with the just claims of the Colony.

As regards the difficulties which have arisen out of the establishment of lobster factories on that part of the coast of Newfoundland to which the French fishery rights extend, they have been much increased, as your Excellency is no doubt aware, by the action of French citizens who have not discontinued the factories established by them, contrary to Treaty, notwithstanding the assurances contained in your Excellency's note of the 25th August, 1886.

The matter, moreover, has been complicated by the proceedings at White Bay, to which the attention of the French Government was called by Her Majesty's Embassy at Paris on the 8th July and the 4th September last.

Her Majesty's Government are desirous of meeting the complaints of the French Government in the most conciliatory manner; but they are placed in a position of much embarrassment in their communication with the Newfoundland authorities by the continued neglect on the part of France to give any effect to their repeated remonstrances against the erection by French citizens of lobster factories on shore, in violation of the express provisions of the Treaty and of the sovereign rights of the British Crown.

I have, &c.
(Signed) SALISBURY.

No. 119.

M. Waddington to the Marquis of Salisbury.—(*Received December* 10.)

M. le Marquis, *Londres, le 7 Décembre*, 1888.

JE n'avais pas manqué de communiquer à mon Gouvernement la note que Votre Seigneurie m'a fait l'honneur de m'adresser le 28 Juillet dernier, au sujet des différentes questions pendantes à Terre-Neuve, et en particulier à la réclamation formulée par deux Français, MM. Dupuis-Robial et Besnier.

M. le Ministre des Affaires Étrangères, après en avoir conféré avec M. le Ministre de la Marine et des Colonies, me charge de faire auprès de votre Seigneurie une nouvelle demande en faveur de MM. Dupuis-Robial et Besnier dont la demande d'indemnité ne saurait être repoussée par le Gouvernement de la Reine, sans porter un véritable préjudice à nos compatriotes et sans mettre en cause dans une certaine mesure les principes mêmes sur lesquels repose l'exercice de nos droits généraux à Terre-Neuve. Les considérations qui sont exposées plus loin permettront sans aucun doute à votre Seigneurie de reconnaître le bien fondé de la revendication de ces deux Français et la gravité de la question de principe qu'elle soulève.

Dans la note précitée, Votre Seigneurie, envisageant les motifs qui déterminent le Gouvernement de Sa Majesté la Reine à rejeter la demande en indemnité de MM. Dupuis-Robial et Besnier, s'exprime en ces termes :—

"Le droit des sujets Britanniques de pêcher concurremment avec les citoyens Français n'a jamais fait l'objet d'une renonciation, bien que les pêcheurs Anglais soient empêchés par le second paragraphe de la Déclaration de Versailles d'interrompre en aucune manière par leur concurrence les opérations de pêche des Français pendant l'exercice temporaire du droit de pêche qui leur est accordée, et par suite, dans les vues du Gouvernement de Sa Majesté, l'interruption à laquelle il est fait allusion dans la Déclaration, ne peut s'entendre que d'une interruption matérielle résultant de la concurrence."

Le Gouvernement de Sa Majesté la Reine, en affirmant pour la première fois le droit essentiel que les pêcheurs Anglais auraient toujours eu de pêcher à côté de nos nationaux, et auquel ils n'auraient jamais renoncé ("surrendered"), remet en discussion la question de la pêche concurrente, et semble s'appuyer pour émettre cette doctrine sur le silence même du texte de l'Article XIII du Traité d'Utrecht, en lui donnant une interprétation que mon Gouvernement ne peut accepter.

On s'est demandé, dans diverses circonstances, pourquoi le Traité d'Utrecht n'avait pas stipulé d'une manière précise que les pêcheurs Anglais n'étaient pas admis à concourir avec les Français sur la côte réservée et que ceux-ci y jouissaient d'un droit exclusif. On serait plutôt en droit de se demander :—

1. Dans quel paragraphe de l'Article XIII, le mot "exclusif" aurait pu trouver place ?

2. Comment il aurait pu venir à la pensée des négociateurs soit Anglais, soit Français, que l'emploi en était nécessaire ou même utile ?

Quant au premier point, il suffit de jeter les yeux sur l'Article pour voir que les négociateurs étaient surtout préoccupés de ce que la France cédait ; et secondairement, de ce qu'elle réservait. Le but principal de l'Article XIII est de préciser le fait de la cession du territoire de Terre-Neuve, d'en garantir la perpétuité, d'en assurer le mieux possible la solidité. Subsidiairement, les Anglais se font donner une certaine partie de la côte pour y établir des pêcheries qui soient à eux. Ils ne prétendent pas davantage. Quant à la côte réservée, par cela seul que l'Article XIII ne s'occupe nullement d'y constituer le droit de pêche, il est de toute évidence qu'il reste établi tel qu'il s'exerçait avant le Traité, c'est-à-dire sous le régime du droit exclusif, sans quoi les négociateurs auraient dû ajouter aux innovations du Traité une clause ainsi conçue : "Les Anglais feront la pêche concurremment avec les Français sur les points qui seront réservés à ces derniers, ou en d'autres termes, les Français n'auront pas un droit exclusif à l'exploitation de leur côte réservée."

Si l'on se reporte en effet au goût systématique des hommes d'État d'alors pour n'admettre autant que possible que des avantages exclusifs, on se convainc que du moment où le mot "partage" ne figure pas dans le Traité, c'est que les Anglais n'y prétendaient nullement.

Ils n'avaient, d'ailleurs, aucun intérêt à y prétendre. Les habitants de Terre-Neuve, en effet, ne possédant que quelques rares établissements sur la côte, il n'y avait pas de motif pour réclamer à leur profit un droit de concurrence, et la situation était suffisamment et clairement définie, lorsque le Traité laissait subsister pleinement quant à la pêche, l'état de choses antérieur à 1713, c'est-à-dire l'état en vigueur alors que les Français exerçaient

la souveraineté territoriale. La France conservait le droit exclusif de pêche puisqu'elle l'avait toujours eu.

L'Article XIII du Traité d'Utrecht ne dit pas que les Anglais ne pourront pas s'établir sur le "French Shore," et cependant les hommes d'État de la Grande-Bretagne n'ont pas contesté un instant notre droit d'exiger l'expulsion de leurs nationaux. Comment expliquer alors qu'en l'absence d'une clause expresse consacrant cette interdiction, les Anglais, propriétaires incontestés du sol, se soient crus tenus d'obliger leurs nationaux à n'élever aucune construction sur notre côte réservée. S'ils avaient eu, au contraire, la faculté de pêcher concurremment avec les pêcheurs Français, rien ne pouvait les empêcher de vivre à côté d'eux. Mais ce contact, les deux Gouvernements ont constamment voulu le rendre impossible afin d'éviter tout prétexte de contestations et de querelles entre leurs sujets.

Les négociateurs Anglais se préoccupant avec raison du seul point intéressant la question et qui n'était autre en définitive que l'expulsion de leurs sujets indûment établis au nord de Bonavista, firent appel aux sentiments de modération de la Cour de Versailles, et sans obtenir rien qui ressemblât à un droit concurrent, obtinrent que la France renoncerait à la partie des côtes envahies et accepterait en dédommagement une étendue équivalente de territoire riverain à exploiter, absolument au même titre et dépassant les limites que le Traité d'Utrecht leur avait jadis assignées.

Ainsi cet échange n'a pas d'autre raison d'être que d'éviter les querelles; on écarte la possibilité du contact, on se refuse des deux parts à la pêche concurrente.

Et comme si l'échange territorial consenti par l'Article V du Traité ne suffisait pas à mettre le but poursuivi par les négociateurs en parfaite lumière, une Déclaration est ajoutée au texte du Traité par l'Angleterre, qui s'engage à ce que "Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Le moindre doute ne pouvait plus exister sur la portée du droit des pêcheurs Français, et en présence de l'interprétation donnée à l'Article XIII du Traité d'Utrecht, le Cabinet de Versailles se déclara satisfait.

Le Traité de 1802 ne modifie en rien les Conventions arrêtées entre les deux Gouvernements, car les préliminaires du 9 Vendémiaire, an X, ayant annoncé que les droits de la France seraient reconnus tels qu'ils étaient avant la guerre, "tout en se réservant de prendre par le Traité Définitif les arrangements qui paraîtraient justes et réciproquement utiles pour mettre la pêche des deux nations dans l'état le plus propre à maintenir la paix," il avait paru utile au Cabinet de Paris d'établir notre droit exclusif de pêche en modifiant l'Article XIII du Traité d'Utrecht. Le Ministre Fox avoua qu'il ne reconnaissait pas l'opportunité d'en recourir à cet amendement, et qu'il suffisait de revenir purement et simplement au texte de 1783, qui confirmait dans toute leur force les droits d'Utrecht, le Gouvernement Britannique n'ayant jamais mis en doute le droit d'exclusivité de pêche en notre faveur.

Il ne semble pas qu'aucun doute eût été jamais élevé sur la manière de comprendre une question aussi nettement posée que résolue jusqu'au jour où le Gouvernement Français réclama contre les empiètements des sujets Anglais, et une nouvelle doctrine fût émise par la Législature de Terre-Neuve sur la nature de nos droits de pêche.

Des plaintes furent adressées à Londres en 1831 par M. le Prince de Talleyrand, et en 1836 par le Comte Sebastiani. Ce ne fût que le 10 Juillet, 1838, que Lord Palmerston répondit aux observations de ces deux Ambassadeurs. La question de droit avait été soumise pendant ce temps à l'appréciation des hommes de loi de la Couronne, qui répondirent le 30 Mai, 1835:—

"Nous sommes d'avis que les sujets de la France ont le droit exclusif de pêcher sur la partie de la côte de Terre-Neuve spécifiée dans l'Article V du Traité Définitif signé à Versailles le 3 Septembre, 1783."

Cette déclaration était concluante, mais les Ministres de la Couronne se refusèrent d'y adhérer, et sur une nouvelle demande d'interprétation les jurisconsultes officiels écrivirent le 13 Avril, 1837:—

"Dans notre Rapport du 30 Mai, 1835, nous pouvons être allés plus loin que la nature du cas ne l'exigeait ('than the circumstances of the case fairly warrant').

"Conformément au Traité de 1783, à la Déclaration annexée aux Traités subséquents, et à l'Acte du Parlement, nous pensons que la Grande-Bretagne s'est engagée à permettre aux sujets de la France de pêcher, pendant la saison, dans le district indiqué, sans avoir à subir aucune interruption de la part des sujets Anglais.

"S'il existait réellement assez de place dans les limites du district en question pour

que les pêcheurs des deux nations pussent pêcher sans que des collisions dussent en résulter, nous ne pensons pas que ce pays serait astreint à empêcher ses sujets d'y pêcher. Quoi qu'il en soit, il semble résulter du Rapport de l'Amiral Sir H. P. Halkett que le fait est difficilement praticable et nous pensons que conformément à la véritable nature des Traités et de la Déclaration, les sujets Britanniques sont exclus de pêcher, s'ils causent quelque embarras à la pêche Française."

Ainsi, tout en faisant les réserves nécessaires sur le point de vue auquel le Gouvernement de Sa Majesté avait voulu se placer pour juger l'origine et la nature de notre droit de pêche, le second Rapport des Conseillers de la Couronne n'infirme pas le premier ; il reconnaît que nous avons le droit de pêche tel que personne ne peut le partager avec nous du moment que nous pourrions être gênés et que la pêche commune ne peut y être exercée.

Aussi, Lord Palmerston, dans sa réponse du 10 Juillet, 1838, avoue-t-il que "jusqu'alors le privilège acquis aux pêcheurs Français a été considéré en pratique comme un droit exclusif, attendu qu'il serait difficilement possible que les pêcheurs Anglais pussent faire sécher leur poisson sur les mêmes côtes que les pêcheurs Français sans gêner ('interfering') leurs établissements temporaires et sans interrompre leurs opérations."

Vingt ans plus tard, en 1857, la doctrine du Gouvernement Britannique ne s'était pas modifiée : il reconnaissait formellement en pratique notre droit exclusif et l'illégalité de toute concurrence.

Les lignes suivantes, extraites d'une lettre officielle adressée par le Ministre des Colonies, Mr. Labouchère à Mr. Darling, Gouverneur de Terre-Neuve, le 16 Janvier, 1857, en donnent une preuve :—

"Il suffit de dire que la conclusion tirée par vous-même est réellement celle à laquelle une *investigation impartiale* pourrait à peine manquer d'arriver, que les termes *établissant les droits des Français* fussent logiquement équivalents ou non au mot 'exclusif,' ils l'étaient réellement dans la pratique. Puisque les pêcheurs Anglais ne pouvaient pas gêner les pêcheurs Français par leur concurrence, il était de peu d'importance qu'ils eussent en théorie un droit de concurrence que les Français étaient toujours autorisés à faire cesser à leur gré."

Ces instructions, rédigées après la conclusion de la Convention du 15 Janvier, 1857, signée à Londres par M. de Persigny et Lord Clarendon, avaient pour but d'appliquer sur l'heure l'Article I^er^, formulé en ces termes :—

"Les sujets Français auront le droit exclusif de pêcher et de se servir du rivage pour les besoins de leur pêche."

Ce n'était autre chose que la reconnaissance formelle des droits anciens sur les territoires occupés par la pêche Française.

Les négociations qui ont été reprises à diverses époques entre les deux Gouvernements pour jeter les bases d'arrangements nouveaux n'ont pas échoué sur la question de reconnaissance de notre droit de pêche exclusif.

Mon Gouvernement était donc fondé à croire, d'après ce qui précède, et en conséquence de cette série d'engagements, que le droit de la France sur la côte de l'Ile de Terre-Neuve réservée à ses pêcheurs n'est autre chose qu'une partie de son ancienne souveraineté sur l'île qu'elle a retenue, en cédant le sol à l'Angleterre, mais qu'elle n'a jamais ni infirmé ni aliéné. Si le droit concédé aux pêcheurs Français a été quelquefois discuté, il l'a été dans la forme, jamais dans le fond, et M. le Ministre des Affaires Étrangères a été surpris de voir le Gouvernement de la Reine présenter pour la première fois la question résolue dans un sens absolument différent.

Il est facile de conclure que si la réclamation de MM. Dupuis-Robial et Besnier, demandant à être indemnisés des pertes qui leur ont été occasionnées par l'usage des trappes, était repoussée, ce fait semblerait consacrer le principe de la pêche concurrente que mon Gouvernement ne peut admettre et donnerait aux Articles des Traités une interprétation toute différente de celle qui leur a été reconnue jusqu'à présent.

Je viens donc appeler de nouveau toute l'attention de Votre Seigneurie sur les considérations développées plus haut, qui ont eu pour but de justifier la demande de ces deux Français, et en même temps de jeter un nouveau jour sur l'étendue du droit de pêche accordé à nos nationaux. Cette question, dont l'intérêt est capital pour les pêcheurs des deux pays, prend une importance spéciale au moment où la saison de pêche est close et où une nouvelle campagne va s'ouvrir, et j'ai trop de confiance dans l'esprit de justice de Votre Seigneurie pour ne pas douter qu'elle partagera les vues de mon Gouvernement relativement à nos droits à Terre-Neuve.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December 7, 1888.*

I DID not fail to communicate to my Government the note which your Lordship did me the honour of addressing to me on the 28th July last on the subject of the various questions pending in Newfoundland, and, in particular, in regard to the claim made by two Frenchmen, Messrs. Dupuis-Robial and Besnier.

The Minister for Foreign Affairs, having conferred with the Minister of Marine and the Colonies, instructs me to make a fresh request to your Lordship in favour of Messrs. Dupuis-Robial and Besnier, whose claim for indemnity cannot be rejected by Her Majesty's Government without gravely injuring our countrymen, and without placing in jeopardy, to a certain extent, the very principles on which the enjoyment of our general rights in Newfoundland depends. The considerations put forward below will, without doubt, enable your Lordship to understand the good foundation for the claim of these two Frenchmen and the gravity of the question of principle which is involved in it.

In the above-cited note Your Lordship, in stating the reasons which induce Her Majesty's Government to reject the claim of Messrs. Dupuis-Robial and Besnier for an indemnity, makes use of these expressions:—

"The right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them, and, therefore, in the view of Her Majesty's Government, the 'interruption' referred to in the Declaration can only mean a physical interruption caused by competition."

Her Majesty's Government, in asserting for the first time the absolute right of British fishermen to fish concurrently with our citizens, a right which they say has never been surrendered, bring into discussion the question of concurrent fishing, and seem, in support of this contention, to rely upon the silence of the text of Article XIII of the Treaty of Utrecht, while giving it a meaning which my Government cannot accept.

The question has been asked under various circumstances, why the Treaty of Utrecht did not stipulate in a precise manner that British fishermen were not permitted to compete with Frenchmen on the reserved coast, and that the latter enjoyed on that coast an exclusive right. The question more properly to be asked would be:—

1. In what paragraph of Article XIII could the word "exclusive" find a place?

2. How could the thought enter the minds of the negotiators, whether English or French, that the use of this word was necessary or even useful?

As to the first question, the Article needs only to be perused in order to see that the negotiators were primarily concerned with what France ceded, and secondarily with what she reserved. The principal aim of Article XIII is to clearly bring out the fact of the cession of territory in Newfoundland, to guarantee its permanence, and to establish it on as solid a basis as possible. Subsidiary to this, the English obtain the grant of a certain part of the coast in order to establish on it fisheries of their own. They lay claim to no more than this. As to the reserved coast, it is evident from the fact alone that Article XIII does not in any way attempt to constitute a right of fishing on it, that the right of fishing remains such as it was in practice before the Treaty, that is to say, an exclusive right, otherwise the negotiators must have added to the innovations introduced by the Treaty a clause in this sense: "The English will fish concurrently with the French on the parts reserved for the latter, or, in other words, the French will not have an exclusive right of fishing on the coast reserved for them."

Bearing in mind the systematic preference of the statesmen of that time for granting, if possible, only exclusive privileges, it will be obvious that as the word "partage" (share) does not occur in the Treaty, it must have been because the English made no such claim.

They had indeed nothing to gain by making such a claim. As the inhabitants of Newfoundland, as a matter of fact, only possessed sparse settlements on the coast, there was no motive for claiming on their behalf a concurrent right, and the situation was defined clearly enough by the Treaty allowing, as far as fishing was concerned, the continuance of the state of things prior to 1713, *i.e.*, the state of things in force at the time when the French exercised territorial sovereignty. France retained the exclusive right of fishing because she had always had it.

Article XIII of the Treaty of Utrecht does not say that the English are not to establish themselves on the "French Shore," and yet British statesmen have never for a moment questioned our right to exact the expulsion of their countrymen. How, then, is the fact to be accounted for, that in the absence of an express clause sanctioning this prohibition, the English, indubitable proprietors of the soil, considered themselves bound to forbid their countrymen to raise any building on the coast reserved for us? If, on the contrary, they had had the right of fishing concurrently with the French fishermen, there was nothing to prevent them from living side by side with them. But the two Governments have always desired to render such contact impossible, so as to avoid all possibility of collisions or disputes between their respective subjects.

The British negotiators being with reason chiefly concerned with the one important point in the matter, which was nothing more nor less than the expulsion of their subjects illegally established to the north of Bonavista, appealed to the moderation of the Court of Versailles, and though they obtained nothing resembling a concurrent right, they did obtain the abandonment by France of part of the coast which had been encroached on, and her acceptance in exchange of an equivalent stretch of coast territory on exactly the same terms and exceeding the limits which the Treaty of Utrecht had formerly laid down.

This exchange thus arose simply from a desire to avoid disputes; possibility of contact was put out of the question, and each party refused to grant the other a concurrent right of fishing.

Moreover, as if the territorial exchange agreed upon by Article V of the Treaty did not suffice to put the object aimed at by the negotiators in a clear enough light, a Declaration by England is added to the text of the Treaty, engaging that "His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland; and he will, for this purpose, cause the fixed Settlements which shall be formed there to be removed."

No further doubt could exist as to the meaning of the right of French fishermen, and, in view of the interpretation given to Article XIII of the Treaty of Utrecht, the Versailles Cabinet declared itself satisfied.

The Treaty of 1802 does not in any way modify the Conventions made by the two Governments, for the preliminaries of the 9th Vendémiaire, year X, having enunciated that the rights of France would be recognized such as they were before the war, "whilst reserving the right to make, by the Definitive Treaty, the arrangements which should appear just and reciprocally useful for placing the fishery of the two nations on the best footing for preserving peace," it seemed good to the Paris Cabinet to establish our exclusive right of fishing, by modifying Article XIII of the Treaty of Utrecht. Mr. Fox, the Minister, avowed that he could not see the use of having recourse to this amendment, and that it would suffice to return purely and simply to the text of 1783, which confirmed the rights given by the Treaty of Utrecht in all their force, the British Government never having questioned the exclusive right of fishing belonging to us.

It does not appear that any doubt was ever thrown on the interpretation of a question clearly put and clearly decided until the French Government complained of the encroachments of British subjects, and a new doctrine was enunciated by the Newfoundland Legislature as to the nature of our fishery rights.

Complaints were made in London by Prince Talleyrand in 1831, and by Count Sebastiani in 1836. It was not until the 10th July, 1838, that Lord Palmerston answered the observations of these two Ambassadors. The question of right had at this time been submitted to the consideration of the Law Officers of the Crown, who reported on the 30th May, 1835 :—

"We are of opinion that the subjects of France have the exclusive right of fishery on the part of the coast of Newfoundland specified in Article V of the Definitive Treaty signed at Versailles on the 3rd September, 1783."

This Declaration was conclusive, but the Ministers of the Crown refused to agree to it, and, in reply to a further request for their opinion, the Law Officers reported on 13th April, 1837 :—

"That, on referring to the opinion expressed in our Report of the 30th May, 1835, we think we went further than the circumstances of the case fairly warrant.

"Attending to the Treaty of 1783, and the accompanying Declaration, the subsequent Treaties, and the Act of Parliament, we think Great Britain has bound herself

to permit the subjects of France to fish, during the season, in the allotted district, free from any interruption on the part of British subjects.

"If there were really good room within the limits of the district in question for the fishermen of both nations to fish without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there. It appears, however, from the Report of Admiral Sir P. Halkett, that this is hardly practicable, and we are of opinion that, according to the true construction of the Treaty and Declaration, British subjects are precluded from fishing if they thereby cause any interruption to the French fishery."

Thus, whilst making the necessary reservations as to the point of view in which His Majesty's Government had voluntarily placed themselves to judge the origin and nature of our right of fishing, the second Report of the Law Officers does not vitiate the first; it acknowledges that our right of fishing is such that no one can participate in it whenever we are likely to be hindered, and fishing in common cannot be carried on.

Moreover, Lord Palmerston, in his reply of the 10th July, 1838, declares that: "It is true that the privilege secured to the fishermen of France . . . . has, in practice, been treated . . . . as an exclusive right . . . . because . . . . it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French, ... and without interrupting their operations."

Twenty years later, in 1857, the policy of the British Government had not been modified; they formally recognized in practice our exclusive right and the illegality of all competition.

The following lines, extracted from an official despatch addressed by Mr. Labouchere, the Secretary of State for the Colonies, to Mr. Darling, the Governor of Newfoundland, on the 16th January, 1857, are a proof of this:—

"Suffice it for the present to say that the conclusion drawn by yourself . . . . is substantially that at which impartial investigation could scarcely fail to arrive Whether the terms conveying the French right were logically equivalent or not to the term 'exclusive,' they were at all events practically so. Since English fishermen could not interrupt French fishermen by 'competition,' it was of little importance whether they had in theory a 'concurrent' right, since they could always be warned off by the French."

These instructions, drawn up after the conclusion of the Convention of the 15th January, 1857, signed at London by M. de Persigny and Lord Clarendon, were intended to put into immediate execution Article I, couched in the following terms:—

"French subjects shall have the exclusive right to fish, and to use the strand for fishery purposes."

This was nothing else than a formal recognition of ancient rights over the territory occupied by the French fishery.

The negotiations resumed at different times by the two Governments for the purpose of drawing up the bases of fresh arrangements did not break down on the question of the recognition of our right of exclusive fishing.

My Government therefore had reason to believe, in view of the above facts, and in consequence of this series of engagements, that the right of France on the coast of Newfoundland reserved for her fishermen was nothing less than a part of her ancient sovereignty over the island, which she retained when ceding the soil to England, but which she has never diminished nor alienated. If the right granted to French fishermen has been sometimes discussed, it has been as to form, never as to principle, and the Minister for Foreign Affairs was surprised to see Her Majesty's Government bring forward for the first time a question settled in an absolutely different sense.

It is easy to see that if the claim of Messrs. Dupuis-Robial and Besnier, in demanding indemnification for the losses occasioned to them by the use of traps, is rejected, this action will appear to sanction the principle of concurrent fishing which my Government cannot admit, and will give to the Articles of the Treaties a meaning quite different to that which has hitherto attached to them.

I therefore again call Your Lordship's careful attention to the considerations developed above, intended to justify the claim of these two Frenchmen, and at the same time to throw a new light on the extent of the right of fishery granted to our citizens. This question, one of capital interest to the fishermen of the two countries, is of special importance at a moment when the fishing season has terminated and a fresh one is about to open, and I have too much confidence in Your Lordship's

sense of justice to doubt that you will share the views of my Government in regard to our rights in Newfoundland.

I have, &c.
(Signed) WADDINGTON.

No. 120.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, December* 17, 1888.

HER Majesty's Government have had under their consideration your Excellency's despatch of the 2nd ultimo, forwarding the reply of M. Goblet to the representation addressed to them on the subject of the fishing Concessions granted by the French Government in White Bay, Newfoundland, and of the lobster factory established there by a French Company.

There would appear to be some misunderstanding as to the main point of the objections raised by Her Majesty's Government in regard to this matter.

By the terms of the Treaty, French citizens have no right to erect on the Newfoundland shore any buildings other than "scaffolds" and "stages made of boards" and "huts necessary and usual for drying fish." The Report made to her Majesty's Government by the Government of Newfoundland was to the effect that certain French citizens, supported by the French war-ship "Drac," had landed a large quantity of "plant" and machinery in White Bay, and had already begun to build very extensive and permanent buildings there. But, even assuming it to be the fact that the huts erected on the shore, and to which exception is taken, were constructed only of boards, and were of a temporary character, as contended by the French Government, they are not used for the purposes indicated in the Treaty. They are constructed and used for the purpose of carrying on the industry of lobster canning. They are, as the French Government themselves admit, "usines" or "factoreries," and, as such, they do not come within the terms or spirit of the Treaty. Moreover, the grant by the French Government to a French Company of the exclusive licence to fish for lobsters in that locality for the term of five years is, in the opinion of Her Majesty's Government, an assumption of territorial rights in derogation of the sovereignty of the British Crown, and unwarranted by the Treaty.

Your Excellency will, accordingly, lay the above considerations before the French Government, and again protest against the erection on the Newfoundland shore of any buildings not coming within the terms of the Treaty and Declaration, and against the attempt of the French Government to grant exclusive rights of fishery to their citizens in British waters.

I am, &c.
(Signed) SALISBURY.

No. 121.

M. Waddington to the Marquis of Salisbury.—(Received December 18.)

M. le Marquis, *Londres, le* 15 *Décembre,* 1888.

J'AI communiqué à mon Gouvernement la réponse que Votre Seigneurie m'a fait l'honneur de m'adresser le 23 Novembre dernier au sujet de l'incident provoqué à Terre-Neuve par l'établissement de l'usine Shearer sur le "French Shore," et dans laquelle Elle me faisait connaître que les mesures nécessaires avaient été prises par le Capitaine Hamond pour empêcher cet industriel de troubler les pêcheurs Français.

Ces mesures avaient déjà été portées à la connaissance de M. le Ministre de la Marine et des Colonies par le Chef de la Division Navale Française à Terre-Neuve, qui n'avait pas eu de peine à en démontrer l'insuffisance. Mon Gouvernement s'était vu alors dans la nécessité de demander la fermeture de l'usine Shearer, comme je l'ai exposé à Votre Seigneurie dans ma lettre du 2 Septembre dernier. Cette décision lui paraissait indispensable pour mettre le Sieur Shearer hors d'état de troubler les opérations de nos

pêcheurs dans la Baie d'Ingarnachoix, et il se trouve dans la nécessité de la maintenir pour ne pas créer un précédent qui pourrait amener les complications les plus graves, au moment surtout où deux mois seulement nous séparent de la nouvelle campagne de pêche.

La Déclaration de 1783, sur laquelle j'ai déjà eu l'honneur d'appeler l'attention de votre Seigneurie, est rédigée en Français seulement et la clarté des termes qui y sont employés ne peut donner matière à aucune discussion. Elle proscrit toute espèce de gêne et cela sans distinction de la cause qui la produit. La gêne causée par le Sieur Shearer est indéniable, puisque la pêche du homard chasse la morue et emploie des engins qui détruisent nos filets et les empêchent de déborder. Aucun engin n'est plus meurtrier pour la pêche proprement dite que le casier à homard; ce n'est pas une gêne temporaire qu'il impose aux pêcheurs Français; c'est un obstacle permanent et nuisible, qui détruit leurs filets et les force à fuir les territoires que la factorerie exploite; les résidus de la fabrication souillent les fonds, éloignent la morue et éliminent l'industrie primitive. Les pêcheurs Français le savent si bien que jamais ils ne tendent leurs filets là où la morue paraît à la surface.

L'établissement de la homarderie du Sieur Shearer constitue non seulement une gêne pour les pêcheurs Français, mais une violation flagrante des droits concédés à la France. Le "French Shore" ne peut pas avoir deux classes d'exploitants, et le maintien de cette usine porterait l'atteinte la plus grave au droit qu'ont les Français de pêcher sans concurrence et de préparer toute espèce de poisson. Ce droit concurrent ne peut être soutenu, car il n'est pas écrit et il n'y est fait aucune allusion dans les Traités. L'examen des principaux Articles de ces Traités, dont le texte est emprunté au "Recueil des Actes Législatifs de la Colonie de Terre-Neuve," publié en 1872, que je me permets de placer ci-après sous les yeux de Votre Seigneurie, lui permettra de se convaincre des droits qui ont été concédés à la France à Terre-Neuve.

La lettre même des Traités et les commentaires qui leur ont été donnés ne laissent subsister aucun doute à l'égard de la situation privilégiée de la France à Terre-Neuve. Il est de toute évidence qu'en consentant au Gouvernement Britannique la cession de territoire, la France a entendu se réserver le droit complet de pêcher sur une portion de la côte et d'user pleinement du rivage par les besoins de ses pêcheurs pendant l'occupation temporaire.

Ce droit de pêche, on ne saurait trop le redire, n'a pas été spécialisé ni restreint; il a été stipulé et reconnu dans son intégrité en termes généraux et suivant un esprit libéral. Il n'est pas admissible qu'aucun des deux Gouvernements Signataires ait entendu faire mentalement une exception quant à la capture et à la préparation des crustacés, et que les mots "fish" et "fishery" doivent par suite s'interpréter dans un sens étroit et différent de l'acception vulgaire.

Le Traité d'Utrecht dit en effet:—

"It shall be allowed to the subjects of France to catch fish and to dry them on land in that part only which stretches from the places," &c.

"Fish" s'applique à tous les produits de la mer, et le verbe "to fish," qui est employé dans la rédaction du Traité de Paris de 1763 à la place du substantif, possède encore dans la langue courante de notre époque une valeur générale qui exclut toute restriction. Le "Lobster Act" de 1888 contient en tête "to fish lobster."

D'autre part, le hareng se fume, le saumon se sale, la truite de mer se met en saumure, et jamais on n'a élevé d'objection contre la capture et la préparation de ces différentes produits. Ce n'est pas sans intention que les Signataires de l'Acte d'Utrecht ont parlé de "catch fish" d'une part, et de "dry on land" de l'autre. Ces termes contiennent deux droits séparés et absolument distincts.

On aurait pu allouer à la France la pêche et lui interdire la sécherie: dans le premier cas, elle a l'usage des eaux, dans le second elle occupe temporairement le sol; le Traité d'Utrecht ayant eu précisément pour but de faire passer le territoire de Terre-Neuve sous l'autorité Britannique, il était nécessaire de stipuler l'usage temporaire que la France pouvait faire d'une partie de la côte. Ce sont donc deux privilèges distincts qui ont été reconnus à la France, et le second ne peut être considéré comme un diminutif du premier. "Pêcher" constitue le premier, "sécher" constitue le second. Mais si la sécherie est limitée, la pêche ne l'est par aucun terme du Traité, et à ce titre elle est et demeure universelle.

Si il était dans les intentions de l'une ou de l'autre des Parties Contractantes de restreindre la pêche de l'autre à telle ou telle espèce de poisson, elle aurait eu soin de le spécifier, et l'assertion du Gouvernement de Terre-Neuve, que l'imperfection de la science rendait impossible des classifications que tout le monde connaît aujourd'hui, n'est pas admissible. Les anciens avaient différencié les poissons proprement dits des

crustacés et appelaient ces derniers "Malacostracés;" depuis, deux auteurs Anglais, Roy et Willoughby, publiaient un ouvrage, "Synopsis Methodica Animalium," traitant particulièrement de l'Ichthyologie; ce document, paru en 1693, peu d'années avant la signature de la Paix d'Utrecht, aurait certes attiré l'attention des Plénipotentiaires si l'on avait voulu limiter l'exploitation par la France du domaine de la mer. Depuis ce moment, Artedi (1735) et Linnée (1738) en Suède; Cuvier et Agassiz plus récemment en France, ont achevé l'étude de ce régime, et leurs travaux, quelque retentissement qu'ils aient eu, ne paraissent avoir nullement intéressé les diplomates puisque jusque et y compris le Traité de 1814, aucune mention n'est faite de l'intention de sortir de la définition générale de "fish," et on arrive à cette conclusion, que les textes, les traditions, et l'histoire sont concordants pour accorder à la France la pêche à titre universel sur les côtes du "French Shore."

La France a non seulement le droit de pêcher le homard mais encore celui de le préparer industriellement sur place.

Si, en 1713, les autoclaves et étuves chaudes n'étaient pas inventées, peut-on dire que les seines de cette époque, que les harouelles employées par nos pêcheurs du dix-huitième siècle, n'ont pas été modifiées depuis lors et le perfectionnement des engins employés est venu peu à peu?

On lit, d'ailleurs, dans la Déclaration Britannique:—

"The XIIIth Article of the Treaty of Utrecht, and the method of carrying on the fishery, which at all times has been acknowledged shall be the plan upon which the fishery shall be carried on there. It shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there, the subjects of His Britannic Majesty on their part not molesting in any manner the French fishermen during their fishing nor injuring their scaffolds during their absence."

Ce que l'on entend par "the method of carrying on the fishery" est défini par les développements qui suivent cette phrase dans le texte de la Déclaration. C'est le *modus vivendi* des Français sur une côte qui a cessé de leur appartenir qui est réglementé; c'est leur campement provisoire, leur droit à couper le bois nécessaire pour leurs menues réparations qui est confirmé, c'est en un mot le commentaire le plus complet des droits territoriaux de la Couronne Britannique mis en regard de la servitude temporaire consentie à son égard. "The method of carrying on the fishery" signifie les règles de police internationale qui fixeront les rapports des pêcheurs des deux nations, et un examen impartial interdit d'y trouver la moindre restriction apportée aux procédés de pêche des Français ou au mode de préparer le poisson tant que les établissements Français conservent, comme aujourd'hui, le caractère de "temporary building" possédé par l'échaffaudage ("scaffold").

En résumé, l'industrie Française doit être respectée dans les cantonnements qu'elle occupe. La Déclaration de 1783, l'Acte de George III, sont des plus affirmatifs à cet égard, et les commentaires abondent pour renforcer les Traités: Proclamation de Sir G. Hamilton, Consultation des Avocats de la Couronne, Correspondance de MM. Labouchère et Stanley, Ministres des Colonies, que j'ai eu déjà l'occasion de citer dans une lettre à Votre Seigneurie, en date du 7 courant, à propos de la réclamation Dupuis-Robial et Besnier.

Il résulte donc de l'ensemble de ces considérations, tirées de l'examen des Traités et du rappel des traditions, que la France a un droit de pêcher et de préparer le homard identique à celui qu'elle possède de prendre et de sécher la morue.

Quant à l'étendue de ces droits de pêche et des limites dans lesquelles l'exercice pourrait en être considéré comme raisonnable, mon Gouvernement ne saurait accepter la théorie exposée par Votre Seigneurie au milieu de la dépêche citée plus haut. La Déclaration de 1783 est également formelle à cet égard, et la France doit rester seule juge en cette matière, comme je l'ai exposé à Votre Seigneurie dans ma dépêche du 2 Septembre dernier.

Enfin, mon Gouvernement n'a pas vu sans étonnement qu'il était fait allusion de nouveau aux homarderies Françaises de la Baie Blanche, et aux réclamations qu'elles ont provoquées de la part des autorités Britanniques. La réponse que M. Goblet a faite à ce sujet à Lord Lytton et dont Votre Seigneurie a eu sans aucun doute connaissance, émontrde le peu de fondement de ces réclamations. D'autre part, M. le Ministre des Affaires Étrangères s'explique mal les accusations portées contre les pêcheurs Français, qui continueraient à exploiter les homarderies "établies contrairement aux Traités et malgré les assurances contenues dans la note de l'Ambassade du 25 Août, 1886." Les assurances qui s'y trouvaient consignées concernaient exclusivement un incident qui a provoqué de la part de la France, à l'égard de certains de ses nationaux,

l'intervention la plus propre à affirmer aux yeux du Gouvernement de la Reine sa volonté de faire respecter par les pêcheurs Français, en ce qui touche l'aménagement des usines à homard, les obligations résultant des Traités. Les autorités maritimes Françaises n'ont pas appris, depuis lors, que les pêcheurs Français aient transgressé les ordres qui leur avaient été donnés à cette occasion par les croiseurs de leur nation, et ces déclarations ne pouvaient en aucun cas mettre en cause le droit pour les Français d'exploiter le homard.

Les considérations qui précèdent ont eu pour but de démontrer à Votre Seigneurie l'illégalité de l'établissement du Sieur Shearer sur le "French Shore." Ses agissements nuisent à la pêche Française, et le maintien de son usine dans ces parages porterait l'atteinte la plus grave aux droits concédés à la France, tels que je viens de les établir, en passant en revue les Articles des Traités signés entre les deux nations; et je suis chargé d'insister de nouveau auprès du Gouvernement de la Reine pour que l'éviction du Sieur Shearer de Port Saunders ne tarde pas davantage.

Je suis convaincu que Votre Seigneurie voudra bien insister auprès des autorités Coloniales Anglaises pour qu'il soit fait droit à la demande de mon Gouvernement, et je lui serai très reconnaissant de m'informer de la suite qui lui aura été donnée.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December* 15, 1888.

I COMMUNICATED to my Government the reply which Your Lordship addressed to me on the 23rd November last on the subject of the question arising out of the establishment of the Shearer factory on the "French Shore," and in which you informed me that the necessary steps had been taken by Captain Hamond for preventing this trader from disturbing the French fishermen.

These steps had been already reported to the Minister of Marine and the Colonies by the Commander-in-chief of the French Naval Division at Newfoundland, who had no difficulty in demonstrating their insufficiency. My Government were therefore under the necessity of requesting the closing of the Shearer factory, as I pointed out to Your Lordship in my note of the 2nd September last. This decision seemed indispensable to them, in order to put it out of Mr. Shearer's power to disturb the operations of our fishermen in the Bay of Ingarnachoix, and they are forced to maintain it so as not to create a precedent which might cause the gravest complications, more especially at a moment when two months alone separate us from a new fishing season.

The Declaration of 1783, to which I have already called Your Lordship's attention, is drawn up in French alone, and the clearness of its terms leaves no room for any discussion. It prohibits every kind of hindrance, and that without distinction as to the cause producing it. The hindrance caused by Mr. Shearer cannot be denied, for lobster-fishing frightens the cod away, and makes use of implements which destroy our nets and prevent their being laid. No implement is more deadly to fishing, properly so called, than a lobster pot; it is no temporary hindrance that it causes to French fishermen; it is a permanent and injurious obstacle which destroys our nets and banishes them from the fishing grounds which the factory works; the refuse from the works pollute the water, keep the cod away, and destroy the primitive industry. The French fishermen know this so well, that they never spread their nets where the cod appear on the surface.

The lobster factory of Mr. Shearer constitutes not only a hindrance to the French fishermen, but a flagrant violation of the rights conceded to France. The "French Shore" does not admit of two classes of workers, and the maintenance of this factory would be the gravest injury to the right of the French to fish without competition and to prepare every kind of fish. This concurrent right cannot be sustained, for it is not mentioned or alluded to in the Treaties. An examination of the principal Articles of these Treaties, the text of which is taken from the "Collection of the Legislative Acts of the Colony of Newfoundland," published in 1872, which I venture to submit herewith to Your Lordship, will enable you to convince yourself of the rights which have been conceded to France in Newfoundland.

The letter itself of the Treaties and the commentaries made on them leave no doubt as to the privileged position of France in Newfoundland. It is very evident that, in agreeing to the cession of territory to the British Government, France meant to reserve to herself the complete right of fishing on a portion of the coast, and to

make full use of the shore for the wants of her fishermen during their temporary occupation of it.

This right of fishing, it cannot too often be repeated, was not specified or restricted; it was stipulated and recognized in its entirety in general terms and in a liberal spirit. It cannot be admitted that either of the two Signatory Governments intended to make a mental reservation in regard to the catching and preparing of crustaceans, and that the words "fish" and "fishery" are to be interpreted in a narrow sense and one differing from the commonly accepted meaning.

The Treaty of Utrecht says in effect:—

"It shall be allowed to the subjects of France to catch fish and to dry them on land in that part only which stretches from the place," &c.

"Fish" applies to all the products of the sea, and the verb "to fish," which is used in the Treaty of Paris of 1763, in place of the substantive, still possesses in the current tongue of our time a general force which precludes all restriction. The "Lobster Act" of 1888 begins with the expression "to fish lobster."

Again, the herring is smoked, the salmon is salted, the sea trout is pickled, and no objection has ever been raised to the catching and preparing of these different species. It was not without intention that the Signatories of the Act of Utrecht spoke of "catch fish" on the one hand, and of "dry on land" on the other. These terms embody two separate and absolutely distinct rights.

France might have been allowed to fish, and have been forbidden to dry. In the former case she has the enjoyment of the waters, in the latter she has the temporary occupation of the soil; the principal aim of the Treaty of Utrecht being to hand over the territory of Newfoundland to Great Britain, it was necessary to stipulate for the temporary occupation which France might have of a part of the coast. There were, therefore, two distinct privileges granted to France; and the second cannot be taken to diminish the first. "Pêcher" (to fish) constitutes the first, "sécher" (to dry) constitutes the second. But if the drying is limited, the fishery is not, by any term of the Treaty, and on this ground it is and remains general.

If it had been the intention of either of the Contracting Parties to restrict the fishery of the other to this or that kind of fish, they would have been careful to specify it; and the assertion of the Newfoundland Government, that the imperfection of science rendered it impossible to make classifications which the whole world now knows is not admissible. The ancients had distinguished fish proper from crustaceans, and called these latter "malacostraceans;" since then two English authors, Roy and Willoughby, published a work entitled, "Synopsis Methodica Animalium," treating more particularly of ichthyology. This treatise, which appeared in 1693, not many years prior to the signing of the Peace of Utrecht, must assuredly have attracted the attention of the Plenipotentiaries if they had wished to limit France's exploitation of the domain of the sea. Since that time, Artedi (1735) and Linnæus (1738) in Sweden, Cuvier and Agassiz more recently in France, have completed the study of this matter; and their works, however famous they may have been, do not appear in any way to have interested the diplomatists, since, up to and including the Treaty of 1814, no mention is made of any intention of departing from the general definition of "fish;" and one comes to the conclusion that texts, traditions, and history are agreed in according to France a general right of fishery on the coasts of the "French Shore."

France has not only the right of fishing for lobsters, but also that of preparing them on the spot for sale.

If, in 1713, autoclaves and heating-stoves were not yet invented, can it be denied that the nets of that epoch and the lines used by our fishermen of the eighteenth century have been modified since then, and that the implements used have been gradually perfected?

In any case, the British Declaration says that—

"The XIIIth Article of the Treaty of Utrecht, and the method of carrying on the fishery, which at all times has been acknowledged, shall be the plan upon which the fishery shall be carried on there: it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing-vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

What is understood by "the method of carrying on the fishery" is defined by the developments following this phrase in the text of the Declaration. It is the *modus vivendi* of the French on a coast which has ceased to belong to them, which is

regulated; it is their provisional encampment, their right to cut wood necessary for their small repairs, which is confirmed; it is, in a word, the most thorough commentary on the territorial rights of the British Crown in respect of the temporary servitude agreed to by it. "The method of carrying on the fishery" signifies the international police regulations which shall govern the relations of the fishermen of the two nations, and an impartial examination precludes the discovery of the least restriction on the method of fishing of the French, or on the manner of preparing the fish, provided that the French establishments preserve, as they do to-day, the character of "temporary buildings" possessed by the scaffold.

To sum up, the French industry is to be respected in the cantonments taken up by it. The Declaration of 1783 and the Act of George III are most positive on this point, and commentaries abound to re-enforce the Treaties: Proclamation of Sir G. Hamilton, Report of the Law Officers of the Crown, correspondence of Messrs. Labouchere and Stanley, Secretaries of State for the Colonies, which I have already had occasion to quote in a note to Your Lordship, dated the 7th instant, in connection with the claim of MM. Dupuis-Robial and Besnier.

The result of the whole of these considerations, drawn from an examination of the Treaties, and the citing of traditions, is that France has the same right to fish for and prepare lobster as she has to catch and dry cod.

As to the extent of these rights of fishery, and the limits in which their exercise may be considered reasonable, my Government cannot accept the theory expounded by Your Lordship in the course of the note cited above. The Declaration of 1783 is equally formal on this point, and France must remain sole judge in this matter, as I have stated to Your Lordship in my note of the 2nd September last.

In fine, my Government is surprised to observe that fresh allusion is made to the French lobster factories in White Bay, and to the complaints which they have caused on the part of the British authorities. The reply of M. Goblet on this matter to Lord Lytton, of which Your Lordship must be aware, demonstrates the slight foundation for these complaints. The Minister of Foreign Affairs finds it difficult also to understand the accusations brought against the French fishermen who continue to work lobster factories, "established contrary to Treaty, and in spite of the assurances contained in Your Excellency's note of the 25th August, 1886." The assurances therein contained exclusively concerned an incident which called forth on the part of France, in regard to certain of her citizens, the intervention most calculated to assert in the eyes of Her Majesty's Government her wish to enforce the observation by Frenchmen, as far as regards the management of lobster factories, of the obligations imposed by the Treaties. The French naval authorities have not learned since then that any French fishermen have transgressed the orders given to them by the cruizers of their nation on that occasion, and these declarations could not in any case call in question the right of Frenchmen to work the lobster industry.

The above considerations are intended to demonstrate to Your Lordship the illegality of Mr. Shearer's establishment on the "French Shore." His proceedings injure the French fishery, and the continuance of his factory in those parts would strike a very grave blow at the rights conceded to France, such as I have described in reviewing the Articles of the Treaties signed by the two nations; and I am instructed to again press Her Majesty's Government to remove Mr. Shearer from Port Saunders without further delay.

I feel assured that Your Lordship will impress upon the British colonial authorities the necessity of acceding to the request of my Government, and I should be very glad to be informed of the result.

I have, &c.
(Signed) WADDINGTON.

No. 122.

The Earl of Lytton to the Marquis of Salisbury.—(*Received December* 22.)

My Lord, *Paris, December* 21, 1888.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 17th instant, again protesting against the erection on the Newfoundland shore of any buildings not coming within the terms of the Treaty and Declaration, and against the attempt of the French Government to grant exclusive rights of fishery to their citizens in British waters.

I have, &c.
(Signed) LYTTON.

No. 123.

The Earl of Lytton to the Marquis of Salisbury.—(*Received December* 27.)

(Extract.) *Paris, December* 25, 1888.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of a question put to the French Minister for Foreign Affairs in the Senate yesterday afternoon by Admiral Véron, with reference to the fisheries on the "French Shore" of Newfoundland, and of M. Goblet's reply.

Inclosure in No. 123.

Extract from the "Journal Officiel" of December 25, 1888.

NOUS arrivons, Messieurs, au Ministère des Affaires Étrangères.

La parole est à M. l'Amiral Véron, sur l'ensemble du Ministère.

M. l'Amiral Véron.—Messieurs, au mois de Janvier dernier, j'ai eu l'honneur d'entretenir le Sénat de nos grands intérêts sur les côtes de l'Ile de Terre-Neuve. A cet égard, j'ai posé une question à M. le Ministre des Affaires Étrangères relativement aux dommages qui avaient été causés à nos armateurs par une fausse interprétation, à mon avis, du Traité d'Utrecht qui nous lie avec l'Angleterre. M. le Ministre des Affaires Étrangères répondait ceci : "Le Traité d'Utrecht donne à nos armateurs un droit de pêche absolu et sans restriction à eux seuls. Nous n'entendons nullement leur contester le droit de procéder à la pêche du homard ; mais, nous, nous entendons encore le faire respecter ; nous entendons empêcher les habitants de Terre-Neuve d'empiéter sur les droits de nos nationaux. Ils ont montré dans les derniers temps peu de disposition à entrer en accord avec nous."

Le Ministre dit, vous le voyez, que les habitants de Terre-Neuve montraient peu de dispositions à entrer en accord avec nous.

Que s'était-il passé ? Le Parlement de Terre-Neuve avait refusé de ratifier l'accord qui était intervenu entre notre Gouvernement et le Gouvernement Britannique. Il en avait le droit, les Constitutions Coloniales Anglaises sont ainsi faites.

Mais il avait déjà montré du mauvais vouloir à notre égard ; premier grief. Plus tard, le Parlement de Terre-Neuve votait un Bill qui interdisait l'exportation de la boëtte, c'est-à-dire de l'appât nécessaire à nos pêcheurs faisant la pêche des bancs ; deuxième grief.

Cette année, nos pêcheurs ont eu à subir les premières conséquences de ce Bill. Vous allez voir combien il nous a été désavantageux.

Ce Bill a été voté exclusivement dans le but de ruiner notre industrie de la pêche, parce que l'appât nécessaire à la pêche est le hareng qui arrive en prime saison sur les côtes Anglaises, suivant la loi générale de l'émigration des poissons, avant d'arriver sur nos côtes.

Donc, nos pêcheurs, en arrivant à Terre-Neuve, ne trouvant pas l'appât nécessaire qui, de tout temps, leur avait été fourni par les Anglais, ont été obligés de retarder leur

entrée en campagne. Mais le Parlement comptait sans l'énergie de nos pêcheurs Bretons et Normands, qui, malgré cette interdiction, se sont répandus dans d'autres parties de l'Ile de Terre-Neuve où nous avons droit exclusif de pêche, et là, ils s'y sont approvisionnés. Mais il y a eu de grandes difficultés à surmonter et en même temps une grande gêne et un grand retard dans le commencement de leurs opérations.

Voilà le résultat obtenu par le Parlement de Terre-Neuve: une grande gêne pour nos pêcheurs et un grand retard en même temps, et je le note comme un argument pour la petite discussion dans laquelle je dois entrer.

L'année dernière, en 1887, un seul armateur avait expédié un navire pour la côte ouest de Terre-Neuve, que les Anglais appellent "French Shore." Ce bâtiment était parti pour se livrer à une nouvelle industrie en même temps qu'à la pêche de la morue; pour prendre des homards qui foisonnent dans ces mers. Cette année, en 1888, après les déclarations du Ministre des Affaires Étrangères dont je viens de vous donner lecture, cinq armements se sont faits pour la même opération, pour la pêche simultanée de la morue et des homards. Or, voici ce qui s'est passé sur le "French Shore."

Vingt et un homarderies—c'est le nom qu'on donne aux usines, aux fabriques de homards Anglaises—étaient installées dans nos meilleures baies où nous avons seuls le droit de pêcher, et là les Anglais ont fait, en moyenne, 150,000 boîtes par usine: ils ont pris plus de deux millions de homards. Le dommage qu'ils ont ainsi causée est donc considérable par cette destruction des homards, et en même temps ils ont empêché le fonctionnement de nos seines par cette étonnante quantité de casiers répandus sur tous les fonds, et invisibles. Si cet état de choses devait durer, il est certain que nos armateurs, nos pêcheurs, seraient obligés de renoncer à cette industrie, qui serait loin d'être fructueuse.

Il est donc absolument urgent de s'adresser au Gouvernement Anglais pour qu'il fasse évacuer par ses nationaux toutes les parties de la côte, sur laquelle nous avons ce droit exclusif de pêche; ces droits dont je parle c'est tout ce que nous avons conservé de notre ancienne suprématie dans le Nord-Amérique. Jamais les Anglais de la métropole ne nous ont contesté ce droit. Seuls les habitants de Terre-Neuve, qui sont formés en colonie en ce moment, nous contestent de temps en temps quelques-uns de ces droits et, en tout cas, cherchent à nous gêner le plus possible.

Je viens de vous montrer, Messieurs, deux nouvelles preuves de leur mauvais vouloir à notre égard, et, par conséquent, nous sommes encore plus à l'aise pour exiger que chacun reste chez soi.

Je viens demander à M. le Ministre des Affaires Étrangères de vouloir bien me dire si nos armateurs peuvent compter qu'une solution favorable sera donnée à leur revendication dont je suis l'interprète, ce qui leur permettrait, dès aujourd'hui, de préparer leurs armements pour la campagne prochaine. Comme je le disais tout à l'heure, je suis convaincu que si nous reconquérons nos droits et si les Anglais sont éloignés de territoires qui ne leur appartiennent pas, les armements vont prendre un très grand développement. Il s'agit de 15,000 ou 20,000 pêcheurs. (Très bien! très bien! à Droite.)

M. René Goblet (Ministre des Affaires Étrangères).—Messieurs, je m'empresse de déclarer à l'honorable Amiral Véron que le Ministre des Affaires Étrangères actuel interprète les Traités d'Utrecht et de Versailles absolument comme l'ont fait ses prédécesseurs et comme le faisait, en dernier lieu, M. Flourens, dans la séance du mois de Janvier à laquelle M. l'Amiral Véron a fait allusion.

Ces Traités donnent à la France, sur la partie nord-ouest de l'île de Terre-Neuve, depuis le Cap Saint-Jean jusqu'au Cap Race, un droit de pêche absolu et sans restriction, non seulement sur la morue, mais encore sur tous les autres poissons ou crustacés, particulièrement sur le homard.

Il est incontestable que nous avons rencontré, dans ces dernières années, de très grandes difficultés de la part de l'industrie Terre-Neuvienne et du Parlement de Terre-Neuve.

M. l'Amiral Véron rappelait tout à l'heure que, dans la séance du mois de Janvier, il s'était plaint notamment de deux faits: le premier, c'est le rejet par le Parlement de Terre-Neuve d'un accord sur les pêcheries que nous avions négocié en 1885; le second, c'est le vote du boëtte Bill, c'est-à-dire le Bill par lequel le Parlement de Terre-Neuve avait interdit de vendre à nos pêcheurs la boëtte, appât qui leur est nécessaire pour pêcher la morue.

Sur le premier point, en ce qui concerne le rejet par le Gouvernement de Terre-Neuve de l'accord sur les pêcheries, voici quelle en a été la conséquence. Nous avions, aux termes de cet arrangement, proposé de renoncer, pour les pêcheurs Français au droit de pêcher le saumon dans la partie antérieure des cours d'eau qui se jettent à la mer.

Ce droit, nous étions disposés à l'abandonner. L'arrangement ayant été repoussé nous avons repris l'exercice de notre droit, et, à l'heure qu'il est, nous protégeons nos marins dans la pêche du saumon à l'entrée des rivières, en substituant seulement aux anciens barrages fixes, qui avaient soulevé des difficultés, des rets mobiles permettant le passage des bateaux. Telle a été la conséquence du rejet par le Parlement de Terre-Neuve de l'arrangement que nous avions proposé.

En ce qui concerne le boëtte Bill, nous n'avions pas le droit de nous y opposer, mais nous avons fait mieux : grâce à l'énergie de nos marins et de nos pêcheurs, comme le rappelait tout à l'heure l'honorable Amiral Véron, et aussi à la protection de notre marine, à laquelle il faut rendre justice, nos pêcheurs ont repris, cette année, possession de la Baie de Saint-Georges, et ils ont trouvé sur la côte ouest l'appât nécessaire. La difficulté est donc levée.

Depuis que des instructions très pressantes ont été données, au commencement de cette année, par mon prédécesseur, à la suite du débat que je viens de rappeler, nous avons obtenu d'autres satisfactions. Il y avait notamment une assez grave difficulté : c'était l'existence, à l'entrée de nos rivières ou de nos havres, de grands filets ayant parfois 100 mètres de long, qu'on appelle des trappes.

Nous avons obtenu qu'un acte du Gouvernement de Terre-Neuve décidât la suppression de ces trappes à partir du 1er Janvier, 1890. On a voulu ainsi laisser à l'industrie de Terre-Neuve le temps de rentrer dans ses frais. Néanmoins je suis bien aise de le dire au Sénat, nous avons en ce moment l'espérance que nous pourrons faire abréger ce délai et que les trappes auront disparu auparavant. (Très bien ! très bien !)

Il y avait une autre source de conflits, c'était le commerce interlope d'un certain nombre de navires qu'on appelle des goélettes nomades, qui naviguent dans ces parages sans pavillon et se livrent à la pêche en échappant à toute surveillance.

Nous avions demandé que ces navires fussent soumis à certaines formalités qui permettraient de les surveiller. Nous n'avons pas pu obtenir qu'on leur appliquât la législation de la Mer du Nord, c'est-à-dire qu'on imposât à tous les bâtiments sans distinctiou de porter des marques apparentes dans leurs voiles ; mais nous avons obtenu du moins l'application du " Merchant Ships Act." Les bâtiments de plus de quinze tonneaux de jauge seront obligés de porter ces marques, et le Gouvernement Anglais nous a promis qu'en ce qui concerne ceux qui ont un tonnage inférieur, il recommanderait expressément aux autorités de Terre-Neuve d'en réclamer également l'emploi.

Voilà, Messieurs, quelques satisfactions qui ne sont pas, je crois, sans importance. (Très bien ! très bien !)

Je sais qu'il y a un point qui préoccupe tout spécialement l'honorable Amiral Véron et sur lequel il s'est expliqué tout à l'heure : c'est la question des homarderies.

J'ai dit que nous avions le droit de pêcher les homards à Terre-Neuve comme celui de pêcher la morue. Ce droit n'est pas contesté ou, du moins, s'il y a quelques discussions à cet égard, notre droit, en réalité, n'est pas contestable, et nous entendons absolument le faire respecter. (Vive approbation sur un grand nombre de bancs.)

Mais nous rencontrons sur ce " French Shore," que nous n'occupons que dans une très petite portion—et il est vraiment regrettable de voir s'élever des conflits à l'occasion de côtes qui ne sont pas exploitées dans leur plus grande étendue—nous occupons, je crois, à peine le cinquième du " French Shore " et nous y rencontrons une difficulté que voici : A une certaine époque, nos pêcheurs y ont eux-mêmes attiré les Anglais, et il se trouve à l'heure qu'il est que quand nous voulons exercer cette industrie de la pêche et de la préparation du homard sur certains points de la côte, nous trouvons en face de nous les industries Anglaises qui s'y sont établies.

Ces exploitations n'ont pas le droit de gêner la nôtre. Notre droit étant un droit exclusif, il peut bien comporter une certaine tolérance vis-à-vis des Anglais alors qu'ils n'entravent pas l'exercice de notre droit ; mais toutes les fois que nous rencontrons un obstacle qui constitue véritablement une gêne pour notre exploitation, nous avons le droit, nous avons le devoir de le faire disparaître. (Approbation.)

Nous sommes, en ce moment—car les négociations ne sont pas terminées, mais elles se suivent d'une façon continue—en pourparlers avec le Gouvernement Anglais pour faire disparaître la plupart de ces homarderies appartenant à un Sieur Shearer dont parlait tout à l'heure l'honorable Amiral Véron. Mais dès à présent notre industrie du homard s'est établie à Terre-Neuve ; elle y fonctionne, et je puis citer deux usines, celles de M. Dameron et de M. Lemoine, qui ont cette année recueilli non pas une quantité de homards aussi considérable que les vingt et une homarderies qui existaient déjà, mais qui ont pu apprêter plus de 400,000 homards ; une troisième usine du même genre, celle de M. Thubé, de Nantes, est en voie de préparation.

Voilà où nous en sommes et, je le répète, nous poursuivons avec activité et insistance

auprès du Gouvernement Anglais la disparition des homarderies étrangères qui sont une gêne pour nos pêcheurs.

J'ajoute un dernier mot.

J'ai lu avec le plus grand intérêt le Rapport qui a été adressé en fin de campagne à M. le Ministre de la Marine et que celui-ci m'a communiqué. Ce Rapport plein de renseignements est de M. le Commandant Humann, un des officiers les plus distingués de notre marine, qui vient de commander la station de Terre-Neuve; il ce termine par ces deux appréciations: l'une, c'est que le Commandant de notre station n'a eu qu'à se louer de ses rapports avec les autorités Anglaises pendant tout le temps de sa campagne; l'autre, c'est qu'il conserve une foi profonde dans la régénération de notre industrie de la grande pêche.

Vous me permettrez d'affirmer, en terminant, que le Ministère de la Marine et le Ministère des Affaires Étrangères ne négligeront rien pour contribuer dans toute la mesure de leurs forces à ce relèvement. (Très bien! très bien!)

M. Blavier.—Ce Rapport n'a pas encore été publié à "l'Officiel."

M. l'Amiral Véron.—Je demande la parole.

M. le Président.—La parole est à M. l'Amiral Véron.

M. l'Amiral Véron.—Par conséquent, M. le Ministre, nous pouvons faire savoir à nos pêcheurs que, quel que soit le nombre des bâtiments qu'ils expédient pour le "French Shore," ils sont sûrs de n'y rencontrer aucun obstacle. . . . .

M. le Ministre.—Ils seront protégés!

M. l'Amiral Véron.— . . . . parce qu'avant de faire leur expédition dans les baies qui nous appartiennent et qui sont parfaitement dénommées, si ces baies-là doivent être occupées comme elles l'étaient cette année, il faut que nos armateurs renoncent à y envoyer leurs bâtiments. Il faut, par conséquent, que nous puissions leur dire: Faites vos armements, en quelque nombre que ce soit; vous êtes sûrs, en choisissant vos baies, d'y rester les maîtres et d'y pêcher.

M. le Ministre.—J'ai eu l'honneur de vous dire que nous poursuivons des négociations avec le Gouvernement Anglais relativement aux homarderies dont vous avez parlé.

Je n'ai pas dit que ces négociations eussent abouti encore. Nous les poursuivons avec ténacité: j'espère qu'elles aboutiront à un résultat favorable.

Dès à présent, je puis donner l'assurance aux armateurs qui enverront des bâtiments à Terre-Neuve qu'ils seront protégés dans toute la mesure où nous le pourrons faire. (Très bien! très bien!)

M. l'Amiral Véron.—A propos de ces négociations que vous poursuivez avec l'Angleterre, M. le Ministre, voulez-vous me permettre, je ne dirai pas de vous donner un conseil, mais de vous donner mon opinion sur les résultats que ces négociations pourraient avoir; je veux parler de cet arrangement dont nous avons eu connaissance sous vos prédécesseurs, arrangement qui devait, en échange de certains droits que nous concéderions à Terre-Neuve, nous donner la propriété entière, par exemple, des Nouvelles-Hébrides. C'est, je crois, dans le Traité qui avait été projeté.

M. le Ministre.—Cela n'a aucun rapport, M. l'Amiral; je ne crois pas qu'il ait été question des Nouvelles-Hébrides dans les négociations.

M. l'Amiral Véron.—Cela m'étonne; il y a un accord qu'on a cherché à faire pour abandonner certains de nos droits sur la côte de Terre-Neuve et, en échange de cela, l'Angleterre consentait, disait-elle, à nous concéder l'entière propriété des Hébrides.

M. le Ministre.—La question des Nouvelles-Hébrides est réglée, vous le savez.

M. l'Amiral Véron.—Oui, mais nous partageons avec l'Angleterre la propriété de ces malheureuses îles tout à fait insalubres et qui ne serviront jamais à rien; nous partageons avec les Anglais cette propriété, tandis que les Anglais ne se sont pas gênés pour prendre les Iles Fidji, voisines des Hébrides, qui sont dans le même archipel; ils ne nous ont pas demandé la permission ni le droit d'occuper ces îles, et ils viennent nous chercher chicane parce que nous voulons nous installer aux Nouvelles-Hébrides! Nous avons fini par leur concéder cette propriété par moitié.

Dans l'accord qui devait intervenir avec Terre-Neuve, il était question . . . .

M. le Baron de Lareinty.—Qu'est-ce qu'on donnerait en échange de nos droits sur Terre-Neuve?

M. l'Amiral Véron.—La moitié de la propriété des Nouvelles-Hébrides, dont nous n'avons que l'autre moitié. C'est une des clauses de l'Arrangement qui a été publié dans le Livre Jaune qui nous a été distribué sur les négociations qui ont eu lieu depuis 1865.

M. le Ministre.—C'est là une phase très ancienne de l'affaire. La question des Hébrides est résolue.

M. l'Amiral Véron.—Mais vous travaillez dans ce moment à reprendre cet accord . . . .

M. le Ministre.—La question des Nouvelles-Hébrides n'y est pas mêlée; elle est définitivement réglée.

M. l'Amiral Véron.—Mais nous n'avons que la moitié de la propriété des Nouvelles-Hébrides, et dans l'accord que vous négociez avez l'Angleterre il est question de nous donner la toute propriété des Nouvelles-Hébrides. Je veux donc vous mettre en garde et vous dire que cette concession des Nouvelles-Hébrides ne vaut pas la millième partie des droits que nous abandonnerions à Terre-Neuve. (Très bien! très bien! à Droite.)

M. le Ministre.—Les renseignements que donne l'honorable Amiral Véron s'appliquent à une phase de l'affaire qui est antérieure. Il parle de négociations qui auraient commencé en 1865; à l'heure qu'il est, nous cherchons encore à conclure pour Terre-Neuve un arrangement sur les pêcheries. Si nous aboutissons, je serai enchanté d'avoir pu résoudre ainsi les difficultés qui nous divisent; mais la question des Nouvelles-Hébrides n'y est plus mêlée en aucune façon pour une bonne raison; c'est que tout récemment, l'année dernière, bien postérieurement aux négociations dont on parle, la question des Hébrides a été définitivement réglée. Par conséquent, elle ne peut plus entrer comme un élément dans les arrangements de l'avenir. (Très bien! très bien!)

No. 124.

M. Waddington to the Marquis of Salisbury.—(*Received December* 27.)

M. le Marquis, *Londres, le* 26 *Décembre*, 1888.

PAR votre lettre en date du 5 Novembre dernier, vous avez bien voulu me faire connaître les mesures dont le Gouvernement de la Reine avait décidé l'application à Terre-Neuve en vue de faciliter l'identification des goélettes nomades dans les eaux où les bateaux Français exercent le droit de pêche. Je me suis empressé de transmettre cette décision à mon Gouvernement, qui vient de m'adresser une lettre contenant son opinion sur ce sujet.

M. le Ministre des Affaires Étrangères, tout en reconnissant les efforts du Gouvernement Britannique pour mettre un terme aux difficultés qui ont troublé l'exercice de notre droit de pêche à Terre-Neuve, est néanmoins d'avis que les mesures adoptées par les autorités maritimes Anglaises ne fournissent pas à nos pêcheurs une garantie suffisamment efficace contre le retour des abus dont ils ont eu à souffrir.

En effet, d'après les termes de la lettre de Votre Seigneurie du 5 Novembre dernier, la décision du Gouvernement Britannique ne rend obligatoires les Règlements du "Merchant Shipping Act" que pour les navires d'un certain tonnage et n'en étend pas l'application aux petits bâtiments pontés de 30 tonnes et au-dessous.

Or, d'après l'Almanach du Gouvernement Terre-Neuvien de 1888, les statistiques officielles enregistrent 1,618 bâtiments de 20 tonnes, et au-dessus, et 2,946 bateaux de 2 à 20 tonnes.

Dans ces conditions, plus le 2,000 embarcations échapperaient à un contrôle efficace et, ce qui aggrave pour nos pêcheurs le danger de cette restriction, c'est que la presque totalité des bateaux de pêche se rendant au Labrador, ceux-là même qui pillent nos établissements et provoquent constamment des conflits avec nos nationaux pendant leur relâche sur la côte de Terre-Neuve, appartiennent à la catégorie des bâtiments appelés à bénéficier de cette exception.

Le Gouvernement de la Reine, il est vrai, a bien voulu promettre qu'il recommanderait aux autorités Terre-Neuviennes de veiller à ce que ces bateaux de faible tonnage fussent, à l'avenir, munis de numéros apparents et de lettres indiquant leur port d'attache.

Mais nous avons malheureusement sujet de craindre que le Gouvernement de la Colonie ne se prête pas avec empressement à une mesure de police qu'il a toujours combattue et qui ne lui serait indiquée que sous la forme d'une recommandation.

En conséquence, mon Gouvernement a pensé que ces dispositions pourraient offrir plus d'efficacité s'il plaisait au Gouvernement de la Reine de donner à sa recommandation aux autorités de Terre-Neuve, concernant le numérotage des bateaux qui échappent aux prescriptions du "Merchant Shipping Act," la forme d'un ordre exprès, obligeant les bâtiments de cette catégorie à porter d'une façon apparente des marques extérieures destinées à faire reconnaître leur identité.

Je ne doute pas que Votre Seigneurie reconnaisse la justesse de ces observations, et j'espère qu'Elle voudra bien presser l'adoption des mesures propres à donner satisfaction au vœu exprimé par le Gouvernement de la République.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, December* 26, 1888.

IN your note of the 5th November last you were good enough to apprise me of the measures which Her Majesty's Government have decided to adopt in Newfoundland with the view of facilitating the identification of stray fishing-smacks in the waters where French vessels have the right to fish. I lost no time in forwarding this decision to my Government, who have now addressed a despatch to me giving their views on the subject.

The Minister for Foreign Affairs, while grateful for the efforts made by Her Majesty's Government to put an end to the difficulties which have interfered with the exercise of our fishery rights in Newfoundland, considers, nevertheless, that the measures adopted by the English naval authorities do not furnish a sufficiently effective guarantee to our fishermen against the recurrence of the abuses from which they have had to suffer.

In fact, according to your Lordship's note of the 5th November last, the decision of Her Majesty's Government only renders the provisions of the Merchant Shipping Act obligatory for vessels of a certain tonnage, and does not extend their application to small decked vessels of 30 tons and under.

But according to the Almanack of the Newfoundland Government of 1888 the official statistics give the registration of 1,618 vessels of 20 tons and above, and of 2,946 vessels of from 2 to 20 tons.

Under these circumstances, more than 2,000 vessels would escape effective control, and a circumstance which aggravates the danger of this restriction for our fishermen is that almost the whole of the fishing-vessels which go to Labrador, the very vessels which pillage our establishments, and constantly provoke quarrels with our citizens during their stay on the Newfoundland coast, belong to the category of vessels which benefit by this exception.

Her Majesty's Government, it is true, have been good enough to promise to recommend the Newfoundland authorities to take care that these vessels of light tonnage shall be furnished, in future, with conspicuous numbers and letters indicating their home port.

But we have, unfortunately, reason to fear that the Colonial Government will not welcome a measure of police which they have always opposed, and which is only to be submitted to them in the form of a recommendation.

Consequently, my Government think that these measures would be more effective if it pleased Her Majesty's Government to give their recommendation to the Newfoundland authorities respecting the numbering of vessels which escape the provisions of the Merchant Shipping Act, in the form of an express order obliging vessels of this class to carry, in a conspicuous manner, some outward marks for the purpose of identification.

I do not doubt but that Your Lordship will recognize the justness of these observations, and I trust that you will be good enough to urge the adoption of measures of a nature to satisfy the wishes expressed by the Government of the Republic.

I have, &c.

(Signed) WADDINGTON.

No. 125.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 3, 1889.

I AM directed by the Marquis of Salisbury to transmit to you herewith copy of a note from the French Ambassador at this Court relative to the question of the identification of fishing-schooners off the coast of Newfoundland.*

M. Waddington states that, in the opinion of the French Government, the

* No. 124.

measures adopted by the British naval authorities do not furnish a sufficient guarantee against the recurrence of the abuses complained of by French fishermen; and points out that, under the provisions of the Merchant Shipping Act, more than 2,000 fishing-schooners of less than 20 tons tonnage will escape control—the class of vessel in question being precisely the one that gives rise to so many difficulties off the coast of Labrador.

His Excellency accordingly urges that, in lieu of a recommendation, express orders should be dispatched to the Government of Newfoundland with a view to insure that the smaller schooners shall be numbered in such a conspicuous manner as may facilitate their identification.

I am to request that, in laying the inclosed paper before Lord Knutsford, for his Lordship's observations, you will state that, as a matter of police regulation, as well as on other grounds, it seems very desirable, in the interests of the Colony of Newfoundland, that the class of small vessels referred to by M. Waddington should exhibit a number.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 126.

Colonial Office to Foreign Office.—(*Received January* 28.)

Sir, *Downing Street, January* 26, 1889.

I AM directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing Reports in connection with the proceedings of Her Majesty's ships employed for the protection of the Newfoundland fisheries during the late season.

Lord Knutsford proposes, with the concurrence of Lord Salisbury, to suggest to the Lords Commissioners of the Admiralty that the proceedings of the naval officers should be approved, and their tact and judgment highly commended.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 126.

Admiralty to Colonial Office.

Sir, *Admiralty, November* 22, 1888.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, Reports in connection with the Newfoundland fisheries, and the proceedings of Her Majesty's ships employed for their protection, during the season just closed.

My Lords desire me to draw the attention of Lord Knutsford to the recommendation contained in the 4th paragraph of Admiral Lyons' Report of the 29th October last, to the effect that the provisions of the Merchant Shipping Act in respect to the "marking" of coasting vessels should be strictly carried out.

In suggesting for the consideration of the Secretary of State that the proceedings of the officers employed in the fisheries should be approved, my Lords desire me to call attention to the very satisfactory relations which appear to have existed between the English and French officers during the past season, and also to the high terms in which Vice-Admiral Lyons speaks of the manner in which Captain Hamond has (for the third year) carried out the responsible duties intrusted to him.

My Lords desire me to draw particular attention to the exhaustive Report on the subject of the working of the lobster factories which has been furnished by Captain Campbell, of Her Majesty's ship "Lily" (dated the 10th October last).

I am to request that any fresh instructions which it may be decided to issue for next season, and which will involve the alteration of those now in force, may be communicated to this Department at the earliest convenient date.

My Lords have addressed a similar communication to the Foreign Office, and have

informed the Secretary of State that the inclosed Reports have been forwarded to the Colonial Office.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 126.

Vice-Admiral Lyons to Admiralty.

Sir, *"Bellerophon," at Halifax, October* 29, 1888.

THE squadron employed on the coasts of Labrador and Newfoundland having rejoined my flag at the close of the fishery season, I have the honour to submit the Reports of Captain Hamond, and of the officers who have been serving under his orders; and in doing so I would offer the following remarks:—

2. Owing to the "Bait Bill" having come into operation this year, it was considered desirable that one of our cruizers should be on the west coast of Newfoundland so soon as the navigation was open. The "Lily" was dispatched on this service, and she, after having encountered considerable difficulties with the ice-fields, reached St. George's Bay on the 26th April. The aviso "Drac," direct from France, arrived the same day.

A considerable number of French fishing-vessels appeared about the same time, with the object of procuring bait for the Bank fishing.

The friction which it was feared might be brought about by the conflicting interests of the two peoples was happily averted by the judicious arrangements made by the officers commanding the "Drac" and the "Lily," Capitaine de Frégate Reculoux and Captain Campbell, between whom relations of an especially cordial nature would appear to have existed.

3. The Cod Trap Abolition Act, which was passed by the Newfoundland Legislature this year, and is to come into force in 1890, will remove a source of constant irritation to the French fishermen, whilst it will undoubtedly benefit the Colony.

4. In my submission of the 15th August last I reported that, from personal observation when at St. John's the previous month, I had found several decked coasting-vessels and fishing-schooners in the port with no name anywhere marked. I believe the Newfoundland Government has moved in the matter; it would be desirable, however, to impress upon it the expediency of the provisions of the Merchant Shipping Act being strictly carried out with a view to checking the irregularities so frequently complained of by French and English officers alike.

5. As regards a complaint made by Capitaine de Frégate Reculoux of alleged injury to French unoccupied rooms, the suggestion made by Captain Hamond, that when a French room is not to be occupied the following season the owners should be obliged to remove their stores and boats, would, I think, meet the case.

6. It will be observed from the inclosures that French fishermen have again this year been found netting salmon in the fresh waters of Ponds and Castor Rivers, thereby preventing the fish ascending for spawning purposes. On Captain Campbell's representation Lieutenant de Vaisseau Carpentier, of the "Crocodile," ordered these men to withdraw.

7. Captain Hamond having directed Captain Campbell to gain all information as regards the working of the lobster factories, an exhaustive Report has been furnished by that officer.

I continue firm in the conviction, which is fully shared by Captain Hamond, that the maintenance of the lobster-tinning industry is of the greatest possible benefit to the inhabitants of the coast, and that it does not by its competition interrupt the fishery of the French. Each complaint made has been dealt with by Captain Hamond on its individual merit.

8. The Reports which I have from time to time forwarded from Captain Hamond will have shown their Lordships the highly satisfactory manner in which he has acquitted himself of the delicate and responsible duties with which, for the third year, he had been intrusted. Honesty of purpose, sound sense, tact and temper, have characterized his proceedings, and have had happy results, not the least so in having maintained relations of a most cordial character with his French colleague, Commodore Humann, who, on his part, I am assured by Captain Hamond, has been throughout most courteous and kind. Captain Hamond speaks, and with reason, of the tact

and discretion shown by Captain Campbell, and of the zeal with which both he and Lieutenant and Commander Bearcroft, of the "Forward," have carried out their duties.

I have, &c.
(Signed) ALGERNON LYONS.

Inclosure 3 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 26, 1888.

I HAVE the honour to forward herewith the Fishery Reports from Her Majesty's ships "Emerald," "Lily," and "Forward" for the past season. The cruizing-ground of the ships has been confined to the parts of the coast where the French have Treaty rights.

2. Captain Campbell and Lieutenant-Commander Bearcroft have carried out their duties with great zeal and to my entire satisfaction. Captain Campbell exercised especial tact and discretion in his management of affairs at St. George's Bay, where the French schooners flocked for bait at the beginning of the season. Thanks to the good understanding between him and Capitaine de Frégate Reculoux, of the "Drac," all difficulties were avoided.

3. The Bait Bill has this season caused a feeling of irritation amongst the French fishing captains, chiefly on the west coast, with the result that various complaints, generally greatly exaggerated or without foundation, have been made. Correspondence which passed between Commodore Humann and myself on these matters has already been forwarded to you.

4. I have forwarded a full Report, compiled by Captain Campbell, of all lobster factories, both English and French, established on the coast where the French have Treaty rights.

4 A. According to instructions received in your Memorandum of the 7th April, 1888, I forwarded a Report to you as to the marking of vessels belonging to Newfoundland. I understand that orders have now been given by the Newfoundland Government to the Customs authorities at the different ports to compel these decked vessels to comply with the provisions of the Merchant Shipping Acts, viz., to have the names and ports of registry painted on their sterns, and the names also on each bow. If this order is really enforced they can be easily identified, and it will serve as a check to the irregularities these vessels are sometimes guilty of.

5. Last spring the Legislature of Newfoundland passed an Act forbidding the use of cod-traps. This Act will come in force in 1890. I believe it will eventually prove of great benefit to the Colony, and assist in restoring the shore fishery. It is also in harmony with the views of the French, who have repeatedly complained of the use of these fixed nets.

6. I have forwarded a full Report of unoccupied French rooms on the east coast of Newfoundland, made by Lieutenant-Commander Bearcroft, and which information, I think, will be useful for future guidance; also correspondence between Capitaine de Frégate Reculoux and Lieutenant-Commander Bearcroft, containing complaints made by the first-named officer of alleged injury to unoccupied French rooms by guardians of such rooms. These men had always been paid for looking after the rooms. As, latterly, they have been paid nothing they have in some instances partly remunerated themselves by selling old boats. Other guardians have thrown up charge of rooms as they have not been paid for their trouble. If the French do not pay people to look after their rooms and boats, weather alone will cause their ultimate destruction. I would suggest, when a French room is not to be reoccupied in the following season, the owners should be obliged to remove their stores and boats, as otherwise complaints of this nature will constantly occur. I spoke to Commodore Humann on the subject, and I gathered that he held the same opinion.

7. As stated in my letter of the 24th instant, French fishermen have again this season netted salmon in the fresh waters of both Ponds and Castor Rivers.

8. It was expected that in consequence of the Bait Act there would be an increase in the number of French fishermen on the coast, but there has been a slight decrease. Doubtless the Bait Act increases the difficulties with which the officers employed on the coast have to deal. I believe it has very adversely affected the French Bank fishery, and that, in the possible event of a new arrangement, the withdrawal of this

Act might induce the French to make much further concession than they have been prepared to on former occasions.

9. Two French vessels were seized and condemned in the Newfoundland Court for infringements of the Bait Act on the south coast. The Judgment was appealed against, and the final result is not yet known.

10. During this season, as in the last, I have met with the greatest courtesy from Commodore Humann, and a mutual good understanding has existed between the English and French officers.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 4 in No. 126.

General Remarks.

THE Bank fishery this season has not been so good as last year, but the price of cod has increased.

The cod-fishing on the north-east and west coasts has been good, and I notice an improvement in the condition of the people. On the west coast, where lobster factories exist, their prospects are certainly better, and a desire is shown to clear land and keep cows and sheep. The Newfoundland Government has notified that in future no winter relief will be given. The system was a bad one, and calculated to render the people idle and improvident. At the same time I think that help judiciously given in the way of seeds and implements would greatly assist the poorest people.

Herring resort in immense numbers to the shores, and throughout the year they are to be taken on one portion of the coast or another. They are salted and exported, but no better form of curing them has heretofore been successfully carried out. One often hears complaints on visiting a port of the scarcity of bait, which perhaps a week previously was swarming in the bay. Building ice-houses and storing bait in them would greatly help the fishing, but the ignorance of the people in these matters is the chief difficulty.

(Signed) RICHD. H. HAMOND,
Captain and Senior Officer.

Inclosure 5 in No. 126.

Captain Campbell to Captain Hamond.

Sir, "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN forwarding the Fishery Report on the west coast of Newfoundland for the season of 1888, I have the honour to remark as follows:—

1. The take of cod has fallen off in some places, but on the whole is above the average. At Red Island the French have had the best season known for some years.

2. The take of herring has been very good throughout, the increase in the Bay of St. George's alone being 20,000 barrels on the take of 1887.

3. The French have been badly off for bait, both on the Banks and on that small portion of the west coast where they have fishery establishments.

4. There have been ten brigs and schooners, besides the barque "Puget," manned by 510 men all told, employed by Messrs. Anatole and Auguste Lemoine, Bros., and Guibert et Fils, of St. Malo.

5. The weather has been one succession of gales and fogs, especially the second cruize from the 1st September.

6. The British and French lobster factories have been dealt with in separate Reports.

7. Notwithstanding the constant protest of the French against the appointment by the Government of St. John's of Magistrates on this coast, there have been four cases this season where French captains have appealed to the very Magistrates for the apprehension of their deserters—one at Bay of Islands, and three at Bay of St. George.

8. Except those cases especially reported, there have been no complaints on either

side, and the *entente cordiale* between the officers and men of this ship and our colleagues has been most marked throughout.

9. The canvas tank has proved most useful and economical, and with a constant use of sail power has been the means of executing the service on a very small consumption of coal.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 6 in No. 126.

Lieutenant Bearcroft to Captain Hamond.

Sir, "*Forward*," *St. John's, Newfoundland, October* 11, 1888.

IN forwarding my Fishery Report, I have the honour to make the following remarks:—

2. The fishery this season between Cape St. John and Cape Norman, though not good, has been generally better than last year. About Ha-Ha Bay and Cape Onion it has been better than in most other places.

3. The catch of lobster by French fishermen in White Bay is reported as poor. The circumstances attending the erection of a factory at Southern Arm has been already reported.

4. The complaints made to me by the Captain of the French man-of-war "Drac" as to the alleged destruction of French property at Cape Rouge Harbour, and the removal of boats from Kirpon and Mauve Bay, have also been the subject of special correspondence.

5. At St. Anthony and Canada Bay a strong feeling was expressed by the fishermen against the use of "bultows" for the coast fisheries, and at both places the majority were in favour of doing away with them.

6. The schooners going to and from the Labrador coast seem to crowd any ports where fish are likely to be caught, to the great detriment of the inhabitants of the Settlements.

7. Several French Bankers were met with at the different ports searching for bait, and it is rumoured that an old room in Cremallière Harbour is to be occupied next year with the object of baiting ships for the Bank fishery.

I have, &c.
(Signed) JOHN E. BEARCROFT.

Inclosure 7 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, "*Emerald*," *at Halifax, October* 24, 1888.

I HAVE the honour to forward herewith Reports on both English and French lobster factories on the west coast of Newfoundland. In the early part of the past season I directed Captain Campbell, as mentioned in my letter of the 24th June, to gain all information he could on the subject, and the inclosed Reports show that he has most carefully and thoroughly done so. It will be seen from the Reports on the English factories how this industry has grown, and of what great value it is to the inhabitants of the coast, a fact that I have pointed out in former letters.

2. Captain Campbell reported to me in his letter of the 24th July, 1888, that the French lobster factory at Barred Bay was a permanent building with an iron roof. As I understood that the whole matter of lobster factories was under the consideration of the English and French Governments, I did not deem it of sufficient importance to make a special Report of it at the time, but mention the fact to you now.

3. There is one French lobster factory in Southern Arm, White Bay, east coast of Newfoundland, which was set up this year.

4. I inclose with these Reports the correspondence between Capitaine de Frégate Reculoux, of the "Drac," and Lieutenant-Commander Bearcroft, with reference to White Bay. I would point out that Captain Reculoux, in his claim to have the English lobster factory, which had just been erected in Western Arm, stopped commencing operations, states "that all the harbours in White Bay are occupied by

French fishermen." As a matter of fact, the French only occupied two, viz., the harbours of Southern Arm and Western Arm.

5. Captain Campbell, in his Report, has given his views *in extenso*. I agree with him that the French fishing is gradually declining on the coast, as the merchants will not be induced to embark in a losing concern.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 8 in No. 126.

Captain Campbell to Captain Hamond.

(Extract.) "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN compliance with my sailing orders of the 29th August last, with reference to the lobster industry on the west coast of Newfoundland, where the French have certain Treaty privileges, I have the honour to report as follows:—

1. *Historical Retrospect.*—It appears that the first lobster was canned on this coast about thirty years ago; a party from Nova Scotia had been canning salmon from the Humber, and at the close of the salmon fishing they went to the north shore of Bay of Islands, and started the first canning of lobsters.

(*a.*) The first attempt to build a factory was, so far as I have been able to ascertain, made in St. Barbe's Bay, fifteen years ago, by a Mr. Rumkey, of Nova Scotia, who subsequently parted with it as a going concern to Messrs. Forest and Shearer, factory owners in Nova Scotia, who next, in 1881, purchased the factory at Brig Bay, built in 1880, from Mr. Forsey, capable of canning 10,000 lobsters daily, and erected one at Port Saunders in 1884.

(*b.*) The industry then seems to have attracted more Nova Scotians.

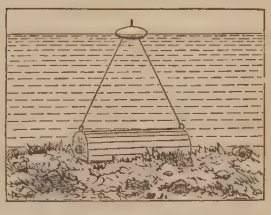
(*c.*) Messrs. Payzant and Fraser, who built a large factory on Woody Point, Bonne Bay, and later on Mr. Carter and Mr. Neville and Messrs. Stabb and Roach, who all built in Bay of Islands. Mr. J. Cairns, of Prince Edward Island, Mr. Baird, of St. John's, Newfoundland, started in and about Port-à-Port; and the local inhabitants of Bay St. George have started numerous factories, and are fishing that district.

(*d.*) The numbers rose to sixteen in 1887, and at the close of this season there are twenty-six factories at work, employing a total of about 100, from Nova Scotia and Prince Edward Island, and about 1,000 natives.

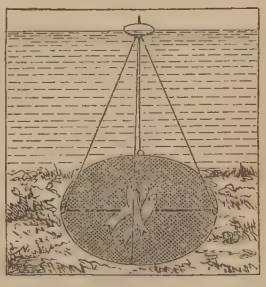
2. *Process.*—The factories are worked on the same principle throughout; their canning capacity varying with their size and the number of hands employed.

(*a.*) They usually consist of a boiling and bath room, and a packing-room, cook-house, and sleeping apartment for girls.

(*b.*) Lobsters are taken in three ways; the first and most common is by buoyed lines of cages.—Figure 1.



Secondly.—By hand trap, a circular hoop of iron with a net stretched across it, upon which are fastened three or more herrings.—Figure 2.



(*c.*) This trap is important, as it could perfectly well be used when the cages justifiably interfere with the Treaty rights of the French; and, thirdly, handed by "claw nipping" in shallow water.

(*d.*) In this way as many as 1,000 have been taken in one day by one boat.

(*e.*) Local fishermen, assisted on the rougher portions of the coast by men from Nova Scotia, work the traps, &c., along the parts which feed their particular factory, and deliver them at the pier, or to the collecting schooners, at 70 to 80 cents per 100, which may be said to be the cost of the raw material.

(*f.*) The lobsters are then handed in and boiled for half-an-hour, after which they go to a smasher, who breaks the claws and takes out the meat, which is then washed and packed in the tins by one set of girls, another set then dry the edges of the tins for soldering, which are then closed up and bathed for an hour and a-half, then punctured to let out the vapour, and again bathed for a second period of the same duration.

(*g.*) The tins are then packed in four-dozen cases, and are mostly shipped to Halifax and St. John's without being labelled, with the exception of Messrs. Payzant and Frazer's factory at Bonne Bay, which varnishes and labels on the spot.

(*h.*) The cost of building varies, but it may be roughly estimated at from 2,000 to 3,000 dollars, and the daily cost of maintenance may be roughly stated to average 6 to 8 dollars.

(*i.*) The value of a case at present is 6 dol. 25 c., and the profit from a dollar to 2 dollars a case in average years.

(*j.*) Generally the "take" is sold or mortgaged to the outfitter, before the season commences.

3. The lobster industry has become, and will become more and more, year by year, the mainstay of the inhabitants of the west coast of Newfoundland; it employs men, women, and children, winter and summer.

(*a.*) Trapping lobsters pays better than fishing for cod, is far more regular, and gives the fishermen a "night in bed." This to some extent accounts for the falling-off in the local takes of cod.

(*b.*) Nothing but a personal inspection can give any idea of the good the factories are doing along the whole of the west coast, and of the number of men, women, and children that are dependent upon them; it would send the whole coast back to ruin and starvation if this industry were suppressed, or even curtailed.

(*c.*) The profits are not so great to the owners as is supposed, but the people benefit all the same, and the Government has thus a most magnificent system of out-door relief for its poor, with all risks taken and the capital found.

4. *French Interference.*—There is only one factory on the whole coast which can possibly in any way interfere with the temporary fishing rights of the French. It is situated on "Two-Hill Point," inside Port Saunders, and it has been in the habit of purchasing lobsters from the local fishermen who set their traps in the bays and along the shore; practically from Gargamelle Cove to about a mile to the northward of Mal Bay.

(*a.*) Part of the coast thus fished is undoubtedly used by the men from the French rooms at Port-au-Choix, Barbese, and Savage Island to seine and bar herring for bait, but only at certain times and in certain places, notably Keppel Harbour, in June and July.

(*b.*) It was the bad arrangement of the manager and the local fishermen in setting their traps after the arrival of the Frenchmen which gave Captains Belin and Villala (agents for Auguste Lemoine and Guibert et Fils) an apparent ground for complaining "that the cages along the shore from Mal Bay to Point Riche prevent them from provisioning themselves with bait on the appearance of the various schools of herring, capelin, squid, &c., during the fishery season, and that when they attempt to seine for bait gave them an excuse for complaint that their nets are destroyed."

(*c.*) The justice of their demand was so far allowed this season by you, that the fishermen who supply the Port Saunders factory were limited to a very small lobster area, and the harbours and bays complained of were prohibited.

(*d.*) Notwithstanding this prohibition, I have been able to ascertain that since your order the bays in question have not been fished by the French for bait.

(*e.*) The real reasons why Captains Belin and Villala wish to prevent the fishermen who trap for this factory from setting their traps are:—

(1.) Personal animosity to Mr. Shearer, the manager, the reason for which is difficult to arrive at, but it was in connection with the purchase of bait.

(2.) If they could get this factory closed, they would be enabled to feed their own small boiling-houses at a cheap rate, through the fishermen who work on the prohibited coast, and possibly set up themselves at Port Saunders.

(*f.*) The lobster factory at Port Saunders is unfortunately situated, in so far that it is about 10 miles from the French rooms at Port-au-Choix; but there is no just

reason for closing it, and under proper restrictions, which could be regulated annually by the west-coast ship or Senior Officer, there can be no possible ground for complaint on the part of the French.

(*g*) In September this year Mr. Shearer pulled down half of his canning buildings, and transplanted them to the north of Castors River, a place not fished at present, leaving sufficient sheds at Port Saunders to carry on the industry on a reduced scale suitable to the curtailed lobster fishing-ground.

5. In compliance with your Memorandum dated the 10th June, 1888, I have carefully investigated the Black Duck Brook (No. 8 on Chart) trawl cutting case (*vide* special letter No. 2 of the 22nd June) on the 18th and 19th June. There is not, and cannot be, any just complaint against this factory; but on my last visit Mr. Halliburton told me, in conversation, that he intended to move north of Bonne Bay early next season.

(*a*.) No other factory on the west coast is near to any French fishing-station, or can in any way interfere with their Treaty rights, and none other has ever been complained of.

6. After the most careful and repeated inspection of the west coast from Cape Ray to Cape Norman, the conviction has been forced upon me that the wholesale closing of the British lobster factories, and the suppression of this great industry, because "the only two French firms, Auguste and Anatole Lemoine, and Guibert Fils, of St. Malo, employing 510 fishermen," who fish this coast, complain that they are hindered in obtaining bait at one spot (they themselves having four lobster factories working), would be as cruel as it would be unjustifiable on the part of these two firms to demand it.

7. Your thorough knowledge of this coast will, I venture to hope, enable you to bear me out in my statement that there exist at this moment fixed settlements and fixed fishery establishments all along the line of coast from Cape Ray to Cape St. John, on which the French rights extend, and not only do they exist without protest, but with even greater harmony than is usual between rival settlements of the same nationality.

(*a*.) According to the present policy and manner of working the fishery on the west coast, these settlements are permitted and recognized where they do not interrupt by their competition the fishery of the French, and should there be any complaint as to any particular settlement or locality, it is, by your instructions, reported to you, and dealt with on its individual merits.

(*b*.) This manner of treating the fishery settlements has been this season, by your orders, extended to the lobster factories, and I would advocate, with all the fervour at my command, that Her Majesty's Government sanction this means of dealing with the difficulty caused by the unreasonable demand of the French to crush a thriving industry on a starving coast, where it in no possible way interferes by competition with their fishermen.

8. I have prepared the accompanying Chart in order to show clearly the position of the factories with reference to the French rooms on the west coast.

9. *Close Season.*—I am informed that the Legislature of Newfoundland contemplate a close season from the end of July, and I would beg to point out that between the third week in July and the third week in August the lobsters go through a process of changing shells, during which time they lay by, and do not crawl into the traps, and if caught are thrown back, but after the 20th to 25th August they come on strong during September and October, which, except for the weather, are the two best months of the year.

10. If the factories are closed either at the end of July or August, it will not be worth while to open them at all. They open, as a rule, on the 8th to 12th June, and close during October, the ice period establishing a close season of its own.

Inclosure 9 in No. 126.

Memorandum.—(Vide accompanying Chart.)

NO. 1. Cod Roy, owned by Mr. McDougal, is the most southern factory on that part of the coast where the French have certain Treaty rights of fishing. It was closed on account of bad weather and scarcity of lobsters.

No. 2. Next in order, going north, is a factory owned by Mr. E. Leroux, trader, of Sandy Point, Bay of St. George, a Frenchman who left his country to evade

conscription, and became a native of Newfoundland; he employs about thirty hands at the highlands near Cape Anguille, and is doing fairly well.

No. 3. A few miles to the northward again Mr. C. R. Bishop, trader and Postmaster of Sandy Point, has a factory at Crabbs Brook on about the same scale.

No. 4. At Sandy Point, belongs to Mr. E. Leroux, employs about twenty hands. This factory does not open until after the herring and the French schooners have left Flat Bay.

No. 5. On the south side of Flat Bay, belongs to Mr. N. Butt, trader, a native of Sandy Point; he employs about twenty hands, and does not open until after the French leave.

No. 6. The Gravels, Bay of St. George, owned by Messrs. Abbott and Hill, natives of Newfoundland. They were obliged to close at the end of July owing to scarcity of lobsters, having little more than paid their expenses.

No. 7. Cape George. This factory also belongs to Messrs. Abbott and Hill; the fishing-ground is very open and exposed to the south-west gales, but has made a fair profit.

No. 8. Black Duck Brook, or Shoal Cove Factory, owned by Mr. James Baird, of St. John's, Newfoundland. The fishermen who supply it fish the outer coast of Long Point, Port-à-Port, and are also at the mercy of the weather. The French from Red Island, 18 miles away, complain that the traps off Shoal Cove interfered with their seining for herring, and they landed at Black Duck Brook, and cut some of the trawls. Their complaint was proved to be ridiculous, and I am informed they were punished for the outrage committed. The manager, Mr. John Halliburton, informed me he would move further north next season.

No. 9. The Gravels, Port-à-Port, is also owned by Mr. James Baird. Cans salmon and lobsters. It is situated on the inside of the Gravels, and fishes the harbour of Port-à-Port. They had a fairly good season.

No. 10. Middle Point, Port-à-Port. This factory is in ruins, and need no longer be taken into account.

No. 11. Long Point. This factory is owned by Mr. J. Cairns, of Prince Edward Island. He employs about sixty men, but does not open until after the departure of two schooners from Red Island, who leave towards the end of June.

No. 12. Broad Cove Bluff Head, also owned by Mr. J. Cairns, has done well, but not quite as well as in 1887.

No. 13. Bay of Islands. This factory is situated on the eastern extremity of Wood Island, and is owned by Mr. Carter, an enterprising resident of . They have only canned half the number of cases that they reached in 1887.

No. 14. Bay of Islands, also on Wood Island, in Thibaut Cove. A Mr. Neville is managing for a Halifax firm; this is their first year, and they have done little more than pay expenses.

No. 15. Bay of Islands, Liverpool Cove. This factory also belongs to Mr. Carter. It was opened for a short time in 1887, but did not pay, and was again tried in July this year, with no better result. I doubt its being opened again.

No. 16. Bay of Islands. Lark Harbour, owned by Mr. Forsey, from Grand Bank. It was burned down last year, but rebuilt before the commencement of this season, during which it has done fairly well.

No. 17. Bay of Islands. North side Crabbs Brook, owned by Messrs. Stabb and Roach, the former from St. John's. They are outfitted and send all their cans to Halifax. It is feared that the firm who fit them out may fail.

No. 18. Outside Bay of Islands, near North Head, known as Shoal Point, also owned by Messrs. Stabb and Roach. As is the case with almost all the lobster fishing they have the advantage of the sea fishing and quantity of lobsters, with the disadvantage of being open to all weather. They find that they are obliged to get Nova Scotian fishermen for the rougher portions. I was obliged to find fault with No. 18 on account of the accumulation of offal on the beach, and the overcrowding of the girls' shed, but I am glad to report that on my second visit I observed that both these faults had been remedied.

No. 19. Woody Point, Bonny Bay, owned by Messrs. Payzant and Fraser, of Halifax. This is one of the most complete and well-built factories on the coast. It is situated in the middle of the large fixed fishing settlement of Woody Point, and with the aid of three small hired schooners fishes the coast from Bonne Bay northwards, and what they can take inside, which gets yearly less. They are not doing so well this year, owing to traps being three years old. They take 200 tons of wood annually from natives, at about 2 dollars a cord, thus giving winter employment.

They are the only firm who varnish and label their cans on the spot. A large schooner belonging to the firm runs between Halifax and the factories.

No. 20. Sally Point lies between Bonne Bay and St. Paul's Bay. It has only been erected this year, but should do well in 1889. Owners, Messrs. Payzant and Frazer.

No. 21. St. Paul's Bay. This also belongs to Messrs. Payzant and Frazer, and has taken more lobsters than any other factory on the coast this season. When there are too many here the surplus is sent to Bonne Bay.

No. 22. Cow Head, belongs to Messrs. Taylor and Cooper, of St. John's and Halifax. They are also doing well.

No. 23. Cow Cove. I was unable to land either time I called owing to heavy sea, but factory reported to be doing well.

No. 24. Port Saunders, belongs to Messrs. Shearer and Forest, of Halifax. This is the only factory of which the French can have any reason to complain (*vide* General Remarks). They have lost money on it this year, but next season it will be worked on a reduced scale suitable to the fishery area available.

No. 25. St. Margaret's Bay. This bay has, up till now, been fished by Messrs. Shearer and Forest for their Brig Bay factory, but this year Mr. Chetwynd, of Halifax, has built a factory, and is fishing concurrently with them. There are at present plenty of lobsters.

No. 26. Brig Bay. Belongs to Messrs. Shearer and Forest, and is the best conducted and most paying factory on the coast, avering 8,000 lobsters a-day during the best part of the season. One day's catch being canned before leaving off work on the next.

No. 27. Current Island, owned by Mr. Chetwynd; has been erected this season on the mainland just inside Current Island. Fishes in Geneviève Bay; will probably do well next year. Can be visited by walking 4 miles from St. Barbe's.

No. 28. Salmon River, St. Geneviève Bay. A small factory owned by Messrs. Evans and Matthews, of Halifax. They will probably increase their scale of operations next year.

No. 29. St. Barbe's Bay, belongs to Messrs. Shearer and Forest; is the oldest factory on the coast, having been worked for fifteen years; was closed last year, but has paid fairly well this season.

Besides the above, there are factories about to start, which will probably be in working order by the beginning of next season.

(1.) By Mr. E. Leroux, along the Highlands, between Cape Anguille and Sandy Point.

(2.) Mr. Chetwynd, „ „ „

(3.) Mr. Le Grandais, „ „ „

The portions of the coast coloured "lake" in the Chart are occupied by the French permanently during the fishing season. The portions coloured Prussian blue are where the French fish during a small period of the season; all the remainder is open to British enterprise.

(Signed) CHARLES CAMPBELL, *Captain.*

Inclosure 10 in No. 126.

Lobster Factories on the West Coast.

No.	Name of Place.	Date.	Owners.	Where from.	Employ.						Catch.		Remarks.
					Girls.		Men.		Fishermen.				
					Foreign.	Native.	Foreign.	Native.	Foreign.	Native.	Cases, 1887.	Cases, 1888.	
1	Cod Roy	Passed	McDougall	St. John's	Nil	..	Closed.		..	..	Nil	Nil	Not sufficient lobsters to pay.
2	Highland, Bay of St. George	..	E. Leroux	Sandy Point	,,	12	Nil	6	Nil	10	Not started	950	
3	Crabbs R., ,, ,,	..	C. R. Bishop	,, ,,	,,	7	,,	6	,,	11	,,	800	
4	Sandy Point, ,, ,,	..	E. Leroux	,, ,,	,,	7	,,	4	,,	10	700	300	
5	,, ,, ,, ,, (South)	May 9	N. Butt	,, ,, (south side)	,,	9	,,	4	,,	8	500	300	
6	The Gravels, ,, ,,	August 5	Abbott and Hill	Gravels	,,	10	,,	10	,,	10	700	400	Closed from scarcity end of July.
7	Cape George, ,, ,,	,, 5	,, ,,	,,	,,	15	,,	6	,,	14	First year	1,000	
8	Black Duck Brook	June 20	James Baird	St. John's	,,	10	,,	8	,,	20	..	900	Propose to move northward.
9	Gravels, Port-à-Port	August 5	,, ,,	,,	,,	24	,,	12	,,	40	2,400	2,000	Has done well with salmon.
10	Middle Point, Port-à-Port	June 20	.. ..	..	Closed and going to ruin.						..	..	Will not reopen.
11	Long Point, ,,	,, 20	J. Cairns	Prince Edward Island	Nil	22	Nil	10	Nil	35	900	830	Start after French schooners leave.
12	Broad Cove, Bluff Head	,, 20	,,	St. John's	,,	24	,,	11	,,	36	2,000	1,700	
13	Wood Island, Bay of Islands	..	Carter	,,	,,	10	4	4	,,	21	1,400	700	Lobsters falling off in the bays.
14	Thibaut Cove, ,, ,,	..	Neville	,,	,,	9	4	8	,,	10	Not started	500	Only started this year.
15	Liverpool Cove, ,, ,,	..	Carter	Grand Bank	,,	8	3	9	,,	9	..	..	Failed again 1888.
16	Lark Harbour, ,, ,,	..	Forsey	St. John's	,,	7	2	5	,,	12	700	600	Burnt down 1887; rebuilt by June 1888.
17	Crabbs Point, ,, ,,	..	Stabb and Roach	,,	,,	13	5	8	,,	17	1,025	1,000	Weather very rough.
18	Shoal Point, ,, ,,	..	,, ,,	,,	,,	15	3	6	8	4	Not started	1,000	Weather very rough.
19	Woody Point, Bonne Bay	..	Payzant and Frazer	Halifax	,,	16	6	6	Nil	40	2,800	2,000	A very complete and well-managed factory.
20	Sally Point	..	,, ,,	,,	Not started this year.				..	..	..	..	Will open in June 1889.
21	St. Paul's Bay	..	,, ,,	,,	Nil	15	4	14	Nil	21	..	3,000	A very good catch this season.
22	Cow Head	..	Taylor and Cooper	Halifax and St. John's	,,	12	3	11	,,	17	2,000	1,600	Weather very rough here.
23	Cow Cove	..	,, ,,	,,	,,	13	4	9	,,	15	1,600	1,400	Weather very rough here.
24	Port Saunders	..	Shearer and Forest	Halifax	3	7	3	8	,,	23	2,300	900	Catch greatly diminished on account of prohibition.
25	St. Margaret's Bay	..	Chetwynd	,,	2	4	2	5	,,	13	Not started	600	
26	Brig Bay	..	Shearer and Forest	,,	4	10	10	2	4	13	2,500	2,800	The most paying and best managed.
27	Current Island	..	Chetwynd	,,	Nil	8	4	6	Nil	17	Not built	1,000	Will probably be enlarged.
28	Salmon River, Geneviève Bay	..	Evans and Matthews	,,	,,	4	2	3	,,	12	,,	400	Ditto.
29	St. Barbe's Bay	..	Shearer and Forest	,,	..	11	3	7	8	6	Closed	1,200	Was closed last year, but has paid this, and will open in June.
	Total	..	..	..	9	302	62	188	20	444	21,525	27,880	

Total number employed:—Foreign, 91; native, 934.

(Signed) CHARLES CAMPBELL, *Captain.*

62°

60°

50°

48°

FORTEAU

SAVAGE BAY

FLOWERS COVE

ST BARBES I.

CURRENT I.

ST GENEVIEVE

French Schooners from Port Au Choix and St John I. fish during Summer.

29

28

27

26

25

A few French fish here in July & August

BRIG BAY

ST MARGARETS

FEROLLE

ST JOHN Is
(2 Rooms)
(110 Men)

PORT AU CHOIX
(4 French Rooms)
(340 Men)

SAVAGE I.

24 PORT SAUNDERS

GARGAMELLE

KEPPEL Is

MAL BAY

French from Port Au Choix fish the mouth of this River for Salmon

Pons River

COW HEAD

22

23

COW COVE

21

ST PAULS BAY

20 SALLY POINT

BONNE BAY

19

Woody Point

SHOAL POINT

18

CRABBS POINT

LIVERPOOL COVE

15

17

BAY OF ISLANDS

ARK Hr

WOOD I.

16

13

14

THIBAUT COVE

2 Schooners fish on this patch in Spring

8

PORT AU PORT

12

RED ISLAND
(1 French Room)
(60 Men)

10

9

THE GRAVELS

6

7

BAY OF ST GEORGE

4

FLAT BAY

5

Flat Bay is occupied by French during May. About 130 Bankers came for Bait in 1888.

3 CRAB

2

CODROY Is

1

CAPE RAYE

PLAN

OF THE

WEST COAST OF NEWFOUNDLAND,

SHOWING

BRITISH LOBSTER FACTORIES.

FRENCH ROOMS ... ... LAKE.

TEMPORARY FISHING GROUND ... BLUE

BLACK LINE OPEN TO BRITISH.

made by Charles Campbell
Captain H. M.S. Lily

Harrison & Sons, ltd.

(1400. 6/90. 1196) F. O. 269.

Inclosure 11 in No. 126.

Chart.

Inclosure 12 in No. 126.

Captain Campbell to Captain Hamond.

(Extract.) "*Lily*," *at Channel, Newfoundland, October* 10, 1888.

IN compliance with my sailing orders of the 29th August, with reference to the lobster factories established by the French on the west coast of Newfoundland, I have the honour to report as follows:—

Five years ago a small boiling-shed was set up on the right-hand side going out of Port-au-Choix, by Guibert et Fils, of St. Pierre and St. Malo; tins were imported from France, and an attempt was made to copy the lobster canning at that time in full swing at St. Barbe's and Brig Bay.*

One, two, or three boats, as they could be spared from the cod fishery, were employed to catch lobsters, and the cases were taken to France on the return of the brigs and schooners.

Not to be outdone, Auguste Lemoine started a similar establishment on their side of Port-au-Choix Harbour, on about the same scale, capable of canning 300 cases a-year at their best.

They fish along the coast from Point Riche to Old Port-au-Choix.

The following year Anatole Lemoine, who fishes St. John's Islands, erected a small boiling-house on the left bank going into Sesostris Bay, and started canning there, and Captain Dameron, of the barque "Puget," as his agent, built a roofed shed at the head of Old Port-au-Choix.

This roof, being contrary to Treaty, was removed by order of the French "Chef de Division Navale," and only the skeleton now remains, but Captain Dameron removed with his roof to Barred Bay, St. John's Island, where his barque, the "Puget," was and is still moored, and the only building which can be termed a lobster factory was erected.

The following year bricks and mortar were brought from France, and a permanent store added to the factory.

The "Puget" and crew from this date devoted their time to the lobster industry, assisted by some of the local fishermen and a few foreign girls, who pack the cans.

The Barred Bay factory is the only French factory on this coast doing real lobster business, and this year it has reached 1,600 cases.

Taking into consideration the increased expenses of maintaining the "Puget" and crew, bringing out stores, &c., the profit for 1888 may have reached 400*l*., but certainly not much more.

It is built contrary to Treaty rights, as reported in my special letter of the 24th July.

On the 4th September, when bidding me good-bye at Port Saunders, Commander Reculoux, of the aviso transport "Drac," informed me that he was the bearer of orders to Captain Dameron to remove the corrugated iron roof and permanent building, but a fortnight after the French ships of war had sailed from St. Pierre for France, and a few days before Captain Dameron's departure, I made a special visit to Barred Bay, and found that there had been no alteration made, neither did there appear to be any intention of carrying out the orders I had been assured were given.

I venture to hope I may be permitted to point out, as is clearly proved by the accompanying statistical Tables, showing British take as 27,880 cases, as against French 2,500, that whereas the suppression of the French lobster factories would scarcely affect the Brothers Lemoine or Guibert Fils, let alone France, the suppression of the British factories would renew the fearful misery so often and so strongly represented by the British naval officers who have had charge of the fishery on this coast, which misery is now so happily averted by the apparently ever-increasing swarms of lobsters which infest the shore.

It would, therefore, be a heavy sacrifice on our part to remove the lobster factories along the west coast, in order to prevent these two firms from canning 2,500 cases of lobsters per annum, and I doubt if they will do that for long.

* By English factories.—Richd. H. Hamond.

If I might venture to suggest a line of policy with reference to the French lobster factories, it would be to recognize them under certain conditions and laws for their guidance, and obtain an equivalent concession in return. I can scarcely think they would do more harm to our interests than a French firm setting up business in London would to its ordinary rivals in trade.

Then let the Captains of Her Majesty's cruizers deal with individual cases with reference to British factories as they occur, forwarding Reports as heretofore, and await the reduction or abolition of the bounty, which is inevitable as soon as the French nation become aware of that which is already known to their naval officers, viz., that the fishermen bred on the banks and shores of Newfoundland are next to useless in a modern iron-clad.

I have not heard of any intention on the part of the French to erect new buildings or start more factories on this coast, and I feel confident that the poor success of those existing will not encourage a fresh outlay of capital.

Inclosure 13 in No. 126.

TABLE of French Lobster Factories working in 1888 on the West Coast of Newfoundland.

No.	Name of Place.	Date of Visit.	Owners.	From.	Managers.	Number employed.	Catch, 1887.	Catch, 1888.
							Cases.	Cases.
1	Port-au-Choix ..	Frequently..	Auguste Lemoine..	St. Malo ..	Captain Belin ..	5 to 8	320	300
2	Port-au-Choix ..	„ ..	Guibert et Fils ..	„ ..	Captain Villala ..	4 to 7	290	250
3	St. John Harbour..	„ ..	Anatole Lemoine ..	„ ..	Captain Landgren..	4 to 7	300	300
4	Barred Bay, St. John Island	„ ..	Anatole Lemoine ..	„ ..	Captain Dameron..	60	1,500	1,600
					..	73	2,410	2,450

Remarks.—Very difficult to get the exact truth about the catch, but these figures may be taken as fairly accurate.

(Signed) CHARLES CAMPBELL, *Captain.*

Inclosure 14 in No. 126.

Lieutenant-Commander Bearcroft to Captain Hamond.

Sir, "*Forward*," *Howe Harbour, Hare Bay, July* 2, 1888.

I HAVE the honour to inclose a letter addressed to me by Capitaine de Frégate Reculoux, Commandant of the aviso-transport "Drac," and copy of my reply thereto.

2. With regard to this letter, dated the 25th June, 1888, I proceeded to Hauling Arm, White Bay, on the 28th June, where I met the "Drac," and received the letter mentioned.

3. Having satisfied myself that the working of the lobster factory referred to in M. Reculoux's letter would interrupt, by competition, the fisheries of the French, I gave Mr. John Murphy, the manager, a notice (copy inclosed) that his fishing must be discontinued.

4. On the 30th June I proceeded to Southern Arm, to which place the "Drac" also went, and, in company with Captain Reculoux, visited the buildings erected there by the French, and found them to consist of two light wooden sheds, one covered with canvas, where boiling and canning of lobsters was being carried on. There were, besides, a few log huts for dwelling purposes. All the buildings are of the same kind as those used by French fishermen at other places on the coast.

5. My reply to M. Reculoux's letter fully explains the result of my inquiries at the time, and I purpose visiting Conche again as soon as convenient, with a view of prosecuting them further.

I have, &c.

(Signed) JOHN E. BEARCROFT.

Inclosure 15 in No. 126.

Captain Reculoux to Lieutenant-Commander Bearcroft.

M. le Commandant, "*Drac,*" *le* 25 *Juin,* 1888.

J'AI l'honneur de vous informer qu'un habitant de Saint-Jean construit, en ce moment, une factorerie de homards dans le havre de Hauling qui est occupé, ainsi que tous les havres de la Baie Blanche, par des pêcheurs Français.

Cette factorerie, élevée contrairement à toutes les prescriptions de Traités, Déclarations, et Proclamations du Gouvernement Britannique, sur la partie de la côte de Terre-Neuve réservée aux Français, causerait, à ces derniers, de grandes difficultés et de sérieux dommages dans l'exercice de leurs droits de pêche.

Je viens donc vous prier de vouloir bien donner des ordres pour empêcher l'ouverture et le fonctionnement de cette factorerie.

J'ai en votre absence prévenu le propriétaire de cet établissement qu'il n'avait pas le droit de pêche pendant cette saison et que je ferais appel à votre autorité pour l'obliger à respecter un droit qui est revêtu de la signature de nos deux Gouvernements.

Je pensais vous trouver au mouillage du havre de Hauling. Je suis obligé de me rendre à la Baie du Croc, mais je reviendrai dans ce havre, après une absence de quatre jours seulement, et j'éprouverai une vive satisfaction si je peux vous y rencontrer.

Veuillez, &c.
(Signé) A. RECULOUX.

Observations.—Le propriétaire de la factorerie qui s'élève dans ce havre m'a dit que les habitants pêcheraient pour lui, que lui ne pêcherait pas. La même raison a été invoquée par le propriétaire d'une factorerie de la côte ouest. Elle ne peut être admise et c'est ainsi qu'elle a été traitée entre les deux Chefs de nos divisions navales.

Les habitants n'ont pas plus le droit de gêner les pêcheurs Français dans leurs pêches, sur cette partie de la côte de Terre-Neuve, que les étrangers.

A. R.

(Translation.)

Sir, "*Drac,*" *June* 25, 1888.

I HAVE the honour to inform you that a native of St. John's is, at the present moment, erecting a lobster factory in Hauling Harbour, which is, like all harbours in White Bay, occupied by French fishermen.

This factory, erected as it is in contravention to all Treaty Regulations, Declarations, and Proclamations of the British Government, on that part of the coast of Newfoundland which is reserved for the use of Frenchmen, would cause the latter great difficulties and serious losses in the exercise of their fishery rights.

Hence, I beg that you will issue orders to prevent the opening and working of this factory.

I have, in your absence, informed the proprietor of this establishment that he had no right to fish during this season, and that I should appeal to your authority in order to make him respect a right which was guaranteed under the signature of both our Governments.

I expected to find you in the roadstead of Hauling Harbour. I am obliged to go to Croc Bay, but I shall return to this port after an absence of only four days, and I should feel much gratified if I could meet you here.

I am, &c.
(Signed) A. RECULOUX.

Remarks.—The proprietor of the factory established in this harbour told me that natives would fish for him, but that he himself would not fish. The same reason has been pleaded by the proprietor of a factory on the west coast. This contention is inadmissible, and it has been treated as such by both the Commanders of our respective naval squadrons.

The natives have no more right than foreigners to interfere with French fishermen in their fisheries on this part of the coast of Newfoundland.

A. R.

Inclosure 16 in No. 126.

Lieutenant-Commander Bearcroft to Captain Reculoux.

Sir, *Hauling Arm, White Bay, June* 29, 1888.

I HAVE the honour to acknowledge the receipt of your letter, dated the 25th June, 1888, having reference to the erection of a lobster factory in Hauling Arm, White Bay.

I have given directions to the manager that fishing for lobsters and working the factory is not to be carried on, and he has informed me that he intends to remove from this part of the coast as soon as possible. I have the honour to inclose a copy of a notice given to him.

With, &c.
(Signed) JOHN E. BEARCROFT.

Inclosure 17 in No. 126.

Lieutenant-Commander Bearcroft to Mr. J. Murphy.

WHEREAS the right of fishing enjoyed by French subjects will be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that fishing for lobsters and working the factory under your management is to be discontinued.

Given under my hand on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

Inclosure 18 in No. 126.

Captain Hamond to Vice-Admiral Lyons.

Sir, *"Emerald," at Halifax, October* 25, 1888.

I HAVE the honour to forward correspondence between Captain Campbell, of Her Majesty's ship "Lily," and Lieutenant de Vaisseau Carpentier, of the "Crocodile." I regret that the latter officer did not personally inquire into these complaints, as I have no doubt he would have found, as Captain Campbell did, that they were greatly exaggerated statements, and in great part false. On my arrival at Hawke Bay on the 31st July, I issued a written order to the inhabitants of Gargamelle Cove, forbidding them to set lobster trawls there, as this place is near Port-au-Choix, where the French are established.

You will observe that again this year French fishermen were found fishing for salmon in the fresh water of Ponds River, and also in the mouth of a lake above Castors River, and although Lieutenant de Vaisseau Carpentier forbade them to do so, yet by that date the run of salmon was probably over, and the damage done in preventing them ascending to their spawning-beds.

I have, &c.
(Signed) RICHD. H. HAMOND.

Inclosure 19 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, *"Lily," Port Saunders, July* 9, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 6th instant.

I much regret that you omitted to furnish me with the necessary data to enable me to discover the nets and trawls complained of.

I have myself diligently searched Keppel Harbour, and I may safely state that there is nothing there of any kind, either belonging to Mr. Shearer or any one else,

that could possibly interfere with the fishing rights of your countrymen, if they fished there.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 20 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, "*Lily*," *at Port-au-Choix, July* 10, 1888.

I HAVE the honour to bring to your notice that, on inspection of Ponds River, Mal Bay, this morning, I found a French fisherman with two salmon-nets set inside the river, in the deep channel, each of them reaching half-way across the river.

2. I informed him that he had no right to set them, and told him I would inform you that he was fishing illegally, and that I would ask you to have his nets removed.

Hoping this will not inconvenience you in any way, I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 21 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port-au-Choix, le* 10 *Juillet,* 1888.

J'AI l'honneur de vous adresser la copie d'une nouvelle plainte qui m'a été faite par nos pêcheurs, qui sont arrêtés dans leurs opérations par les filets à saumons et les casiers de l'usine Shearer, qui encombrent toute la côte depuis Mal Bay jusqu'à la Pointe Riche.

Notamment à Gargamelle, un Sieur Atkins, fournisseur de Shearer, empêché par la présence de ses engins de seiner dans la crique, qui est le meilleur endroit d'approvisionnement pour la boïtte; les pertes occasionnées par cette homme à l'époque du capelan ont été considérables.

Je vous prie de nouveau respectueusement, Commandant, de vouloir bien prendre les mesures que vous jugerez convenables pour faire cesser le plus tôt possible cet état de choses contraires aux Traités, et que je vous ai signalé une première fois le 6 Juillet dans la Baie de Hawke.

Je me vois, du reste, obligé d'en référer à mon Chef de Division, en lui faisant connaître que si les obstacles que les riverains opposent à notre pêche restent les mêmes encore quelques jours, au moment où l'hareng arrive, les intérêts des maisons Françaises concessionnaires des havres du "French Shore" seront gravement compromis.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *Port-au-Choix, July* 10, 1888.

I HAVE the honour to transmit to you copy of a fresh complaint which has been lodged with me by our fishermen, who are stopped in their operations by the salmon-nets and the lobster-pots of Shearer's factory, obstructing the whole coast from Mal Bay to Point Riche.

It is principally at Gargamelle that a Mr. Atkins, purveyor to Shearer, prevents, by the presence of his traps, the casting of seines in the creek, which is the best spot for the supply of bait; the losses occasioned by this person at the time of capelin fishing were considerable.

I again respectfully request you to take the measures which you may consider proper to put a stop, as soon as possible, to this state of things, which is contrary to Treaties, and of which I informed you for the first time on the 6th July in Hawke Bay.

Moreover, I shall have to make a report to my Chief of the Station, informing him that, if the obstacles which the inhabitants on shore put in the way of our fishery remain as they are for a few more days, when the herring arrives, the interests of the French firms who have been granted fishing concessions in the harbours of the "French Shore" will be seriously affected.

I am, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 22 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port-au-Choix, le* 10 *Juillet*, 1888.

AU moment même où je vous envoie cette plainte je reçois une autre réclamation des pêcheurs de l'Ile Saint-Jean, qui sont arrêtés dans leurs opérations par cinq goélettes Terre-Neuviennes installées dans l'anse de la Tourelle.

Je vous en envoi copie en vous priant respectueusement de prendre les mesures que vous jugerez convenables pour faire cesser cet abus.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *Port-au-Choix, July* 10, 1888.

AT the very moment when I am forwarding to you this complaint I receive another claim from the fishermen of St. John's Island, who are stopped in their operations by five Newfoundland schooners stationed in Tourelle Cove.

I inclose a copy of it, and ask you respectfully to take measures which you may think proper for putting an end to this abuse.

I am, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 23 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Ile des Sauvages, le* 10 *Juillet*, 1888.

J'AI l'honneur de vous accuser réception de vos lettres datées de Port Saunders le 9 Juillet et de Port au Choix le 10 Juillet, et je m'empresse de vous répondre.

J'avais envoyé le 6 Juillet à bord du "Lily," dans la Baie de Hawke, l'officier qui avait lui-même le matin constaté la présence des engins de Shearer dont se plaignent nos pêcheurs, afin de vous donner sur leur situation tous les renseignements possibles; malheureusement il n'a pu vous rencontrer.

Je l'avais chargé de vous indiquer que les casiers à homards étaient actuellement mouillés sans bouées et dragues tous les matins dans les lieux interdits à la homarderie de Port Saunders.

J'envoie à M. Belin, concessionnaire de Ponds River à Mal Bay, l'ordre formel de se conformer strictement aux instructions qu'il a déjà reçues, c'est-à-dire, de ne pas barrer de ses filets plus des deux tiers de la rivière, et de pêcher dans la limite de salure des eaux.

Je pense, Commandant, que cette mesure répond aux modifications que vous désirez voir apporter à l'exploitation de la saumonerie de Mal Bay.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile,*" *at Savage Islands, July* 10, 1888.

I HAVE the honour to acknowledge the receipt of your letters dated Port Saunders, 9th July, and Port-au-Choix, 10th July, respectively, and I hasten to reply to them.

I had on the 6th July sent on board the "Lily," in Hawke Bay, the officer who himself had seen Mr. Shearer's traps, of which our fishermen complain, in order to give you all possible information as to their position; unfortunately he was unable to find you.

I had instructed him to inform you that the lobster-pots were now moored every morning, without buoys or "dragues," on the spots forbidden to the Port Saunders factory.

I have given distinct orders to M. Belin, who has the concession of Ponds River at Mal Bay, to conform strictly to the instructions which he has already received, that is to say, not to block with his nets more than two-thirds of the river, and to fish within the salt-water line.

I believe that this measure will meet your wishes as to the desired change in the working of the Mal Bay salmon fishery.

I have, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 24 in No. 126.

M. Landgren to Lieutenant Carpentier.

M. le Commandant, *Ile Saint-Jean, le* 24 *Juin,* 1888.

J'AI l'honneur de vous informer que depuis plusieurs jours cinq goélettes Anglaises sont installées à pêcher dans l'anse de la Tourelle; ces goélettes nous font un tort préjudiciable, et de plus elles vont la nuit visiter nos harouelles, y prendre notre morue et faire, selon leur habitude, couper nos lignes et les voler.

Je vous prie, M. le Commandant, de faire droit à ma requête, en les faisant partir du dit havre.

J'ai l'honneur, &c.
Le Capitaine du "Qui qu'en Grogne,"
(Signé) E. LANDGREN.

(Translation.)

Sir, *St. John's Island, June* 24, 1888.

I HAVE the honour to acquaint you that for several days past five English schooners have been engaged in the fishery of Tourelle Cove; these schooners do us considerable damage, and, what is more, they get at our deep-sea lines by night, take our cod, cut the lines, as is their habit, and steal them.

I beg that you will accede to my request, and make these vessels leave the harbour.

I have, &c.
(Signed) E. LANDGREN,
Captain of the "Qui qu'en Grogne."

Inclosure 25 in No. 126.

MM. Belin and Villala to Lieutenant Carpentier.

M. le Commandant, *Port-au-Choix, le* 10 *Juillet,* 1888.

NOUS avons l'honneur de vous signaler que depuis le 22 Juillet, jour de votre départ de Port Saunders, le Sieur Shearer n'a cessé de poser ses casiers et ses rets à saumon autour de l'Ile Keppel, anse de Gargamelle, en un mot, partout où ça lui est défendu.

Si cet état de choses dure plus longtemps, il nous aura été cette année absolument impossible de profiter de nos dégrats de l'Ile Keppel et de l'anse à la Pomone; sans compter les dégâts occasionnés dans nos filets, qui ont été massacrés par les casiers,

toutes les fois que nous avons voulu seiner en ces endroits, qui cependant ont été interdits à Mr. Shearer.

Nous sommes avec respect, Commandant, vos très obéissants serviteurs, ne doutant pas que vous ferez droit à nos plaintes réitérées,

Le Capitaine Prud'homme de Port-au-Choix,
Gérant de la Maison Auguste Lemoine,
(Signé) E. BELIN.

Le Capitaine du "Sans-Souci,"
Gérant de la Maison Guibert et Fils,
(Signé) E. VILLALA.

(Translation.)

Sir, *Port-au-Choix, July* 10, 1888.

WE have the honour to inform you that since the 22nd July, the day of your departure from Port Saunders, Mr. Shearer has not ceased to set his traps and his salmon-nets round Keppel Island, Gargamelle Cove, and, in one word, wherever he is forbidden to do so.

If this state of things continues, we shall be unable this year to fish our waters in the neighbourhood of Keppel Island and Pomone Cove; not to speak of the damage done to our nets, which have been destroyed ("massacrés") each time we tried to spread our seines on these spots, which have been forbidden to Mr. Shearer.

We are, Sir, with respect, your most obedient servants, not doubting that you will do justice to our repeated complaints,

(Signed) E. BELIN,
Capitaine Prud'homme of Port-au-Choix, Agent for Auguste Lemoine.

(Signed) E. VILLALA,
Captain of the "Sans-Souci," Agent for Guibert and Son.

Inclosure 26 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, *"Lily," at St. John's Island, July* 11, 1888.

I HAVE the honour to acknowledge the receipt of your letters, and inclosures, of the 10th instant.

1. With regard to the officer you sent on the 6th July, I have made inquiries, and find that he did not in any way mention the fact that he had been sent to give special information as to the trawls complained of. When we are better acquainted I will ask you to honour me by dealing with me personally with regard to international questions.

I think it would be better for the interests of the Governments we represent that we should discuss matters between ourselves, as our officers have no knowledge of our instructions.

2. With regard to the second complaint, that the salmon nets and cages of Mr. Shearer encumber the coast from Mal Bay to Point Riche, I have the honour to inform you that I have searched the coast between the places named, and I am certain that the fishermen who fish lobsters for the purpose of selling them in the highest market, namely, Mr. Shearer's factory, have no cages on that coast.

3. With regard to the fishing in Gargamelle Cove to the westward of South-West Cove, the fisherman Atkins has a written permission from Captain Hamond, the Senior British Officer on this station, to fish in Gargamelle Cove, which you will, I hope, understand I cannot interfere with, and this case having been decided by our superior officers, I quite agree with you as to your referring the matter to your "Chef de Division;" I will do the same with mine. In the meantime, immediately I return to Port Saunders, I will take the most stringent steps to re-examine the prohibited coast and see that the agreement made by our respective Senior Officers is strictly carried out. I have already taken up three salmon-nets belonging to a fisherman named Eastman, on the west shore of Keppel Island, and sent him to Port-au-Choix.

4. With regard to the five schooners in Turret Bay, I have the honour to inform you that immediately on receipt of your letter inclosing the complaint of Captain E. Landgren, I proceeded to Well Bay and landed to carry out your wishes. I am pleased to be able to inform you that the schooners complained of have left the vicinity of St. John Island, and M. Landgren himself told me that they had done no damage to French property of any kind.

I venture to hope you will be equally pleased, with myself, at so satisfactory a termination of the affair.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 27 in No. 126.

Commander Campbell to Lieutenant Carpentier.

Sir, "*Lily*," *at St. Margaret's Bay, July* 12, 1888.

I HAVE the honour to inform you that, on my paying a visit of inspection to Castor River this day, I found four French fishermen netting salmon in the lake above the river, at least half-a-mile above tidal water, and that the net they were using was also illegal, the size of the mesh being more than 2 inches too small.

They have caught ten cases, and had taken four this morning, and are, I am informed, fishing for Captain Dameron, of the barque "Puget," at Barred Bay, St. John Island.

I beg of you to take such steps as you may deem necessary to cause these fishermen to desist from fishing in this river.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 28 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Sainte-Barbe, le* 18 *Juillet,* 1888.

J'AI l'honneur de vous accuser réception de votre lettre du 11 Juillet.

J'étais déjà complètement d'avis, avant que vous n'ayez bien voulu me faire connaître votre opinion, que je trouve du reste excellente, que les intérêts nationaux doivent être discutés entre nous seuls qui avons reçu les instructions nécessaires.

Jamais un de mes officiers du reste ne vous a été envoyé pour traiter avec vous de questions semblables. M. l'Enseigne de Vaisseau qui a été le 6 Juillet dans la Baie de Hawke à bord du "Lily" vous porter ma plainte contre les filets et les casiers des pêcheurs de Port Saunders, était simplement chargé de vous remettre cette plainte écrite et, dans le cas seulement où vous l'auriez interrogé, de vous indiquer les places exactes où se trouvaient ces engins, et qu'il eut été vraiment difficile d'indiquer exactement par écrit à quelques mètres près.

Ces renseignements n'eussent pas été superflus puisque vous n'avez pu rien trouver malgré tout le soin que j'en suis sûr vous avez mis à faire cesser un état de choses de plus en plus préjudiciable à nos nationaux.

Quant à l'autorisation donnée par M. le Commandant Hamond, votre "Senior Officer," au Sieur Atkins, de pêcher dans Gargamelle Creek, elle est en contradiction absolue avec les instructions que j'ai reçues, qui sont le résultat de l'accord intervenu à Port Saunders entre nos chefs respectifs.

Néanmoins, suivant votre désir, je vais en référer à mon Chef de Division, en réservant toutefois la question de l'indemnité qui pourra être accrue par les retards apportés ainsi à la suppression des obstacles qui enlèvent à nos pêcheurs une des meilleures places d'approvisionnement de la boïtte.

Je vous remercie d'avoir fait évacuer les goélettes qui gênaient les concessionnaires de l'Ile Saint-Jean dans l'anse de la Tourelle. J'ai moi-même été à Mal Bay, et je me suis assuré qu'on n'y pêchait plus qu'avec un seul filet placé à la pointe sud de l'embouchure de Ponds River, n'obstruant même pas la moitié du lit de la rivière.

J'espère, M. le Commandant, que ces conditions vous paraîtront légales.

En retournant à Port-au-Choix je visiterai la Baie des Castors, et je ferai apporter dans cette saumonerie les mêmes modifications.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at St. Barbe's, July* 18, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant.

Even before you were good enough to favour me with your opinion, which, by the way, I consider quite right, I had come to the conclusion that the international interests should be discussed personally between ourselves, who have received the necessary instructions. I have never, in fact, sent any of my officers to discuss such questions with you. The officer who came to see you on board the "Lily" on the 6th July in Hawke's Bay about my complaints against the nets and traps of the Port Saunders fishermen was only instructed to deliver to you this written complaint; and only in case you questioned him was he to point out the exact spot where those engines were placed, which it would have been difficult to explain in writing with any accuracy to within several metres.

This information would not have been superfluous, since you have been unable to discover anything, in spite of the care with which I am sure you tried to put an end to a state of things so seriously affecting our countrymen.

As regards the permission given by Captain Hamond, your Senior Officer, to Mr. Atkins, to fish in Gargamelle Creek, it is in direct contradiction to the instructions I have received, which are the result of the agreement come to between our respective chiefs at Port Saunders.

Nevertheless, in accordance with your request, I shall refer the matter to the chief of my station, whilst reserving the question of compensation which may become due owing to the delay in the removal of obstacles which deprive our fishermen of one of the best places for providing themselves with bait.

I thank you for having removed the schooners which interfered with the fishermen of St. John's Island and Tourelle Cove. I have myself been to Mal Bay, and have assured myself that the fishery is now carried on with one net only, set at the south end of the mouth of Ponds River, obstructing not even one-half of the river-bed.

I trust that you will consider this lawful.

In returning to Port-au-Choix, I shall visit Castors Bay and introduce similar changes in the salmon fishery there.

I have, &c.
(Signed) CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 29 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Baie des Castors, le* 22 *Juillet,* 1888.

EN réponse à votre lettre du 12 Juillet, j'ai la satisfaction de vous annoncer que, conformément à vos désirs, les pêcheurs Français ont cessé leur pêche du saumon dans la Rivière des Castors.

Les irrégularités que vous avez constatées dans la visite que vous y avez faite le 12 avaient cessé dès le même jour, et la pêche ne se faisait plus que dans la baie même.

Aujourd'hui, 22 Juillet, tous les filets ont été supprimés. Les infractions signalées avaient été commises par les hommes du "Puget" sans que M. Dameron en ait eu connaissance; il a été fort chagrin, et fort irrité contre ses hommes.

J'ose espérer, M. le Commandant, que la terminaison de cette affaire est à votre entière satisfaction.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile,"
(Signé) CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at Castors Bay, July* 22, 1888.

IN reply to your letter of the 12th instant, I am glad to be able to inform you that, in accordance with your request, the French fishermen have ceased their salmon-fishing in Castors River.

The irregular proceedings you had observed on the occasion of your visit of the 12th ceased that very day, and the fishery was pursued only in the bay itself.

To-day, the 22nd July, all the nets have been suppressed. The irregular proceedings complained of emanated from the men of the "Puget," without the knowledge of M. Dameron; he was very sorry, and much annoyed with these men.

I trust that the termination of this incident is to your satisfaction.

I have, &c.

(Signed) CARPENTIER,

Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 30 in No. 126.

Commander Campbell to Captain Hamond.

Sir, *"Lily," at Hawke's Bay, July 24,* 1888.

I HAVE the honour to forward correspondence that has taken place between Lieutenant Carpentier, of the French gun-boat "Crocodile," and myself.

2. On the 6th July the "Crocodile" steamed into Hawke's Bay, and delivered a letter, but she did not anchor, and her Commander did not call.

3. I weighed and proceeded to Port Saunders, and made a close investigation of Keppel Harbour, and I found that two salmon-nets had been set, and some cages, but they were all removed before my visit. I also found that Estmont had two salmon-nets down on the outer edge of Keppel Island, and I ordered him to take them up, which he did.

4. I then wrote a letter, copy inclosed, and went to Port-au-Choix; the "Crocodile" came from St. John's Island and anchored off Savage Island, and forwarded me the complaints inclosed from Captains Belin and Villala, and also the complaint from Captain Landgren, but still Lieutenant Carpentier did not come.

I landed and saw Captains Belin and Villala, and was shown over their lobster factories, and I then had Mr. Shearer and the fisherman Atkins on board. The latter showed me your written order, and I then wrote to Lieutenant Carpentier. At daylight I weighed and proceeded to St. John's Island to investigate Turret Cove complaint, and found that it was greatly exaggerated, and in part false, as no damage whatever had been done.

I then proceeded on my round and anchored in St. Margaret's Bay.

5. The following morning, accompanied by Lieutenant Robertson, I landed and walked to Castors River, where I surprised four French fishermen netting salmon with an illegal net above the river at the entrance to the fresh-water lake. I told them they were doing wrong.

They were netting for Captain Dameron, of the barque "Puget," and Barred Bay lobster factory.

I then wrote again to Lieutenant Carpentier.

6. After visiting all the ports, lobster factories, &c., up to Forteau, I returned to St. Barbe's and delivered these letters, to which the inclosed letters are the final replies.

I see no reason to write again.

7. I have the honour to report that the French lobster factories at Sesostris Bay, Port-au-Choix, and St. John Harbour are roofed sheds, but the factory of Captain Dameron at Barred Bay is unquestionably a permanent building, as also the store which is attached to it, and which is roofed with corrugated iron.

I have taken no action in this matter pending your instructions.

I have, &c.

(Signed) CHARLES CAMPBELL.

Inclosure 31 in No. 126.

Lieutenant Carpentier to Commander Campbell.

M. le Commandant, *Le "Crocodile," Port Saunders, le 6 Juillet,* 1888.

J'AI l'honneur de vous informer que j'ai constaté ce matin dans le havre de Keppel la présence de deux filets à saumon et de plusieurs chapelets de casiers à homards destinés à approvisionner la homarderie de Mr. Shearer. Ce havre se trouvant en dehors des limites assignées à Mr. Shearer je vous prie respectueusement de vouloir bien faire supprimer ces engins que je vous signale, qui sont un obstacle à

l'industrie de nos pêcheurs, continuellement entravée par les agissements de cet industriel.

Les plaintes des capitaines François Belin et Villala, qui sont les plus lésés, ont déjà été remises à M. le Commandant de "l'Emerald" par le Chef de la Division Navale Française de Terre-Neuve le 18 Juin.

Je suis, &c.
Le Lieutenant de Vaisseau,
Commandant le "Crocodile."
(Signé) A. CARPENTIER.

(Translation.)

Sir, "*Crocodile*," *at Port Saunders, July* 6, 1888.

I HAVE the honour to inform you that I noticed this morning in Keppel Harbour two salmon nets and several rows of lobster pots working for the factory of Mr. Shearer. As this harbour is outside the limits assigned to Mr. Shearer, I respectfully request that you will kindly suppress these engines which I now point out to you. They are an obstacle in the way of the industry of our fishermen, which is constantly embarrassed by the proceedings of this factory owner.

The complaints of Captains Belin and Villala, who have suffered most, have already, on the 18th June, been laid before the Commander of the "Emerald" by the Chief of the French Naval Station.

I have, &c.
(Signed) A. CARPENTIER,
Lieutenant-Commander, and Commander of the "Crocodile."

Inclosure 32 in No. 126.

Commander Campbell to Captain Hamond.

Sir, "*Lily*," *at Hawke's Bay, July* 28, 1888.

I HAVE the honour to acknowledge the receipt of your Memorandum, dated the 19th July, 1888, inclosing a complaint made through the telegraph by Lieutenant Carpentier, commanding the gun-boat "Crocodile," and in which you direct me to make a full inquiry into the matter.

With reference to this telegram I have the honour to report that, in compliance with your general and special instructions, the instructions to the Senior Officer (copy supplied to me), and the various letters and papers contained in Fishery Box supplied to second ship, immediately on receiving Lieutenant Carpentier's complaint I caused Mr. Shearer and the fisherman Atkins to appear before me, and made a full inquiry into the matter.

2. I may here observe that, as will be seen by Lieutenant Carpentier's letter of the 10th July and my reply, he anchored 3 miles from me, and again sent me an officer, and without giving me an opportunity of conversing with him, or time to investigate the matter and answer him, he sailed the following morning at daylight for Bonne Bay, from whence he dispatched the telegram you inclose to Captain Humann.

3. I have no hesitation in saying that the telegram in question was sent by Lieutenant Carpentier without his having investigated personally the serious charge made by Captains Belin and Villala, which, after personal conversation with these agents, and a thorough examination of the ground, I am prepared to swear are exaggerated, inaccurate as to the general statement, and generally untenable.

4. The result of my careful and repeated inspection of the prohibited portion of the coast is that Messrs. Shearer and Forest have done their utmost to carry out your order of the 16th June, and the just complaint of the French Sub-Lieutenant with reference to two salmon-nets in Keppel Harbour was at once attended to, even before I interfered, and I had so informed Lieutenant Carpentier before he sailed for Bonne Bay; and further, a fisherman named Estmont, who had salmon-nets set on the shore of Keppel Island, was stopped under your orders by me without any complaint being made by the French.

5. Since then I am convinced that there have been no nets or traps on prohibited ground, and it is merely the extreme desire on the part of the Captains Belin and Villala to secure Gargamelle Cove, now fished by Atkins, for their own lobster-cages

PLAN

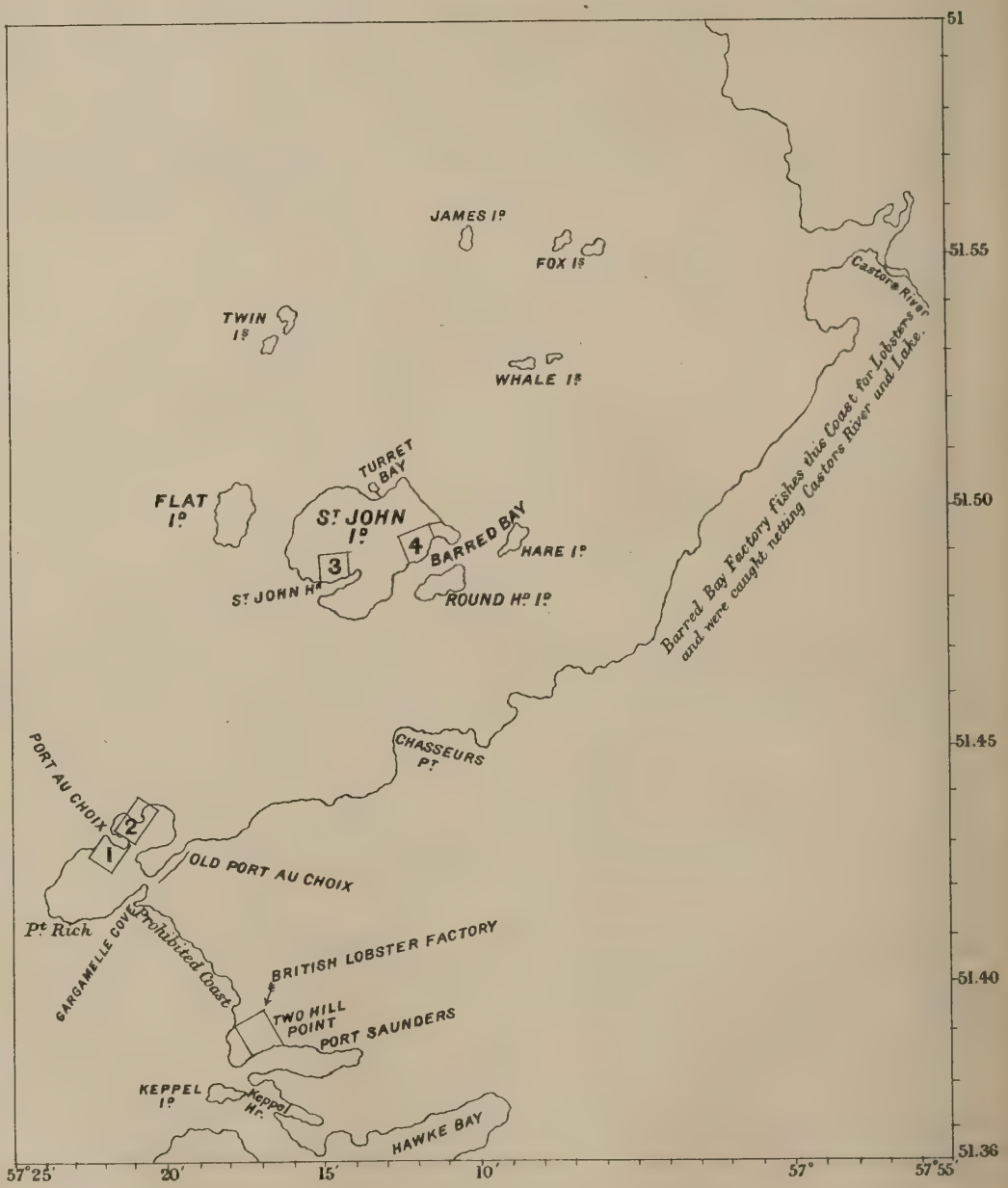
SHOWING

FRENCH LOBSTER FACTORIES

ON THE

WEST COAST OF NEWFOUNDLAND.

SEASON OF 1888.



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that has been the cause of this further untenable complaint on their part, and of the telegram in question.

6. I have the evidence of the complainants that the French Sub-Lieutenant who made the visit and obtained these complaints asked for them.

7. There are only three representatives of the two French firms who work the west coast on which the French have temporary fishing rights. He (the French Sub-Lieutenant) was successful with all three.

8. Captain Landgren told me himself that he would not have sent in his complaint of the presence of five Newfoundland schooners at Turret Bay, dated twenty days before being sent in, unless he had been asked for it.

9. On meeting the French Commanders at Port-au-Choix on the 24th there were no complaints, the decision as to Gargamelle Cove being left to our superior officers, and the French fishermen were freely taking herring for bait in Old Port-au-Choix Harbour.

10. The officers and men of the French ships were entertained on board Her Majesty's ship "Lily," and we parted with mutual assurances of friendship and regret.

I have, &c.
(Signed) CHARLES CAMPBELL.

Inclosure 33 in No. 126.

Map.

No. 127.

Colonial Office to Foreign Office.—(*Received February* 20.)

Sir, *Downing Street, February* 18, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 3rd ultimo, inclosing a copy of a further note from the French Ambassador at this Court relating to the question of identification of fishing-schooners off the coast of Newfoundland.

I am desired to inclose, for the information of the Marquis of Salisbury, a copy of a despatch which Lord Knutsford has addressed to the Governor of Newfoundland on this subject, together with a copy of a letter from the Board of Trade referred to therein.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 127.

Lord Knutsford to Sir T. O'Brien.

Sir, *Downing Street, February* 15, 1889.

WITH reference to my despatch addressed to your predecessor of the 29th September last, relating to the marking of fishing-vessels so as to insure their identification in case of necessity, I have the honour to transmit to you the inclosed copies of a correspondence which has passed between the Marquis of Salisbury and the French Ambassador at this Court, together with a copy of a letter from the Foreign Office on the subject.

In my despatch above referred to I requested that the attention of the Colonial Government might be drawn to the advisability of compelling the marking of small undecked vessels and boats engaged in the fisheries. You will observe on referring to the inclosures to that despatch that Vice-Admiral Lyons mentions the neglect of this precaution as being the cause of constantly recurring complaints from English and French naval officers alike, and frequent representations and complaints on the subject have been made to Her Majesty's Government by the Government of France.

There can be no doubt that proper means of identifying vessels would be a great safeguard against irregular proceedings on the part of the fishermen, and would

considerably lessen the chances of collision between the British and French fishermen on the coast.

Her Majesty's Government attach great importance to this matter, and they would strongly urge upon your Government the necessity for the adoption of Regulations, or if necessary legislation, for compelling the proper marking of vessels and boats of the class referred to in the correspondence.

To assist your Ministers in dealing with this matter, I inclose a copy of a letter from the Board of Trade, with its inclosures, giving information in regard to the enactments and Regulations governing this matter in the United Kingdom.

I should be glad to learn at an early date that this question will be dealt with by your Ministers without delay.

I have, &c.
(Signed) KNUTSFORD.

Inclosure 2 in No. 127.

Board of Trade to Colonial Office.

Sir, *Board of Trade, London, February* 1, 1889.

WITH reference to your inquiries in respect of the marks carried by sea-fishing boats, I am directed by the Board of Trade to request that you will state to Lord Knutsford that the enactments by which this matter is governed throughout the United Kingdom are sections 22-24 of "The Sea Fisheries Act, 1868" (31 & 32 Vict., cap. 45), and section 8 of "The Sea Fisheries Act, 1883" (46 & 47 Vict., cap. 22), and the relative portions of the International Conventions scheduled to those Acts.

The requirements of the two Acts are on this head almost identical, and the Regulations in force are Regulations which have from time to time been made under the earlier Act. Two copies of these Regulations are herewith inclosed.

On reference to Regulations 7-12 of 1869, it will be perceived that fishing-vessels of, speaking generally, all classes are required to carry painted numbers as well as certain other distinguishing marks of a conspicuous character. So far as England is concerned, however, Regulation 1 of 1880 exempts open boats which fish in territorial waters so long as they do not leave those waters.

I have, &c.
(Signed) GEORGE J. SWANSTON.

No. 128.

The Earl of Lytton to the Marquis of Salisbury.—(*Received February* 21.)

My Lord, *Paris, February* 19, 1889.

WITH reference to my despatch of the 21st December last, I have the honour to transmit to your Lordship herewith copy of a note I have received from M. Goblet, in reply to the representations which I addressed to the French Government in the terms of your Lordship's despatch of the 17th December, protesting against the erection on the Newfoundland shore of other buildings than those specified by Treaty and Declaration, and against the attempt on the part of the French Government to grant exclusive rights of fishing to their citizens in British waters.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 128.

M. Goblet to the Earl of Lytton.

M. l'Ambassadeur, *Paris, le* 16 *Février*, 1889.

PAR sa lettre en date du 21 Décembre dernier, votre Excellence a bien voulu me saisir des observations auxquelles avait donné lieu, de la part du Principal Secrétaire d'État de Sa Majesté, la communication que je lui avais adressée à la date du 30 Octobre dernier,

relativement à la Concession à une Compagnie Française d'une usine à homards dans la Baie Blanche. Ces observations portent à la fois sur le caractère permanente que présenterait les établissements élevés par nos nationaux, sur la durée de la Concession qui leur a été accordée, et sur le principe même de notre droit de pêcher le homard.

En ce qui concerne le premier point, je ne saurais rien ajouter aux éclaircissements qui ont été précédemment fournis à votre Excellence. Ils devaient, en effet, dans ma pensée, suffire à convaincre le Gouvernement Britannique que les constructions de M. Thubé-Lourmand ne pouvaient être considérées comme s'écartant du type du chauffaud réglementaire. Il a pu, en effet, s'assurer par les documents mis à sa disposition qu'il s'agissait de simples barraques, apportées de France, démontées, et qui n'ont pas duré, en tant qu'abri, au delà de la campagne de pêche. Nous sommes donc en droit d'affirmer, une fois de plus, qu'à cet égard nous sommes demeurés dans la lettre stricte des Traités.

Sur le fait même de la Concession, dont la durée constituerait, aux yeux du Gouvernement de la Reine, une atteinte aux droits de souveraineté de la Couronne Britannique, je me contenterai de faire remarquer à votre Excellence que la Concession ou l'attribution privative accordée à M. Thubé-Lourmand n'est autre chose que le droit d'opérer par préférence ou à l'exclusion des autres maisons Françaises dans la baie qui lui a été assignée ; mais il est bien entendu que ce droit doit s'exercer uniquement pendant la période et dans les conditions fixées par les Traités. Depuis quatre-vingt-six ans, c'est-à-dire, depuis la promulgation de l'Arrêté du 25 Pluviôse, an III, le Département de la Marine a toujours procédé de cette façon. Les places sont tirées au sort et concédées pour cinq années. Cette règle, indispensable à la fois pour assurer le bon ordre et pour garantir aux exploitants une certaine sécurité quant à la continuité de leurs opérations, n'avait jamais jusqu'à ce jour soulevé d'objections de la part du Gouvernement Britannique, qui, en présence de ces éclaircissements, reconnaîtra encore aujourd'hui, j'en suis persuadé, que nous ne saurions accepter la discussion sur une mesure d'ordre intérieur, qui est de notre compétence exclusive.

Quant à la question de principe soulevée par les objections que rencontre de la part du Gouvernement Britannique le droit pour les Français d'exploiter le homard, il nous est d'autant plus difficile de suivre le Cabinet de Londres sur le terrain où il paraît vouloir se placer, que, dans l'opinion du Gouvernement de la République, aucun doute ne saurait subsister sur notre droit privilégié de préparer le homard aussi bien que la morue comme marchandise d'exportation. Les Traités entendus de bonne foi et suivant leur esprit, nous garantissent, en effet, sur le "French Shore," un droit de pêche sans restrictions, ainsi que l'usage de la côte pour la préparation des produits de cette pêche. En outre, on ne pourrait concevoir pour les résidents Anglais la faculté de se livrer à la même industrie dans la zone déterminée par les arrangements internationaux, qu'à la condition d'admettre, d'une part, qu'ils peuvent, là où ils se trouvent, nous empêcher de pêcher même la morue, ce qui reviendrait à nier l'existence même des Traités; et, d'autre part, qu'il leur est permis de s'établir sur la côte réservee, ce qui est explicitement interdit par la déclaration du Roi Georges; que l'on s'attache à l'esprit des Traités vu qu'on en consulte la lettre, il paraît impossible de sortir de cette solution qui établit le caractère absolu de notre droit de pêche, dans les conditions de durée et d'installation fixées par les Traités, conditions sur lesquelles nous avons jamais entendu élever de contestations.

Agréez, &c.
(Signé) RENÉ GOBLET.

(Translation.)

M. l'Ambassadeur, *Paris, February* 16, 1889.

IN your note of the 21st December last, Your Excellency was good enough to inform me of the observations made by Her Majesty's Principal Secretary of State on the communication which I addressed to him on the 30th October last respecting the Concession granted to a French Company for a lobster factory in White Bay. These observations deal with the alleged permanent character of the establishments of our citizens, the duration of the concession granted to them, and the principle itself of our right to fish for lobster.

As to the first point, I can add nothing to the explanations already furnished to Your Excellency. These ought, as a matter of fact, in my opinion, to be sufficient to convince the British Government that the buildings of M. Thubé-Lourmand cannot be considered to depart from the regulation type of drying establishments. Her Majesty's Government, in fact, have been enabled to assure themselves, from the documents placed at their disposal, that there has been no question of anything but huts, brought from France in pieces, and not lasting as shelters beyond the fishing season. We are

therefore right in asserting once more that, in regard to this point, we have remained within the strict letter of the Treaties.

As to the concession itself, the duration of which constitutes in the eyes of Her Majesty's Government an infringement of the rights of sovereignty of the British Crown, I shall confine myself to pointing out to Your Excellency that the concession or exclusive privilege granted to M. Thubé-Lourmand is nothing more than the right of working in preference to, or to the exclusion of other French firms in the bay assigned to him; but it is an understood thing that this right is to be enjoyed solely during the period and under the conditions fixed by the Treaties. During eighty-six years, that is to say, since the promulgation of the Decree of 25 Pluviôse, year III, the Department of Marine has always acted in this manner. The positions are drawn by lot, and given for five years. This rule, indispensable both for insuring good order and for guaranteeing to the recipients some security as to the continuity of their operations, has never called forth any objection on the part of the British Government, who, in view of these explanations, will acknowledge in this case too, I am convinced, that we cannot consent to any discussion on a measure of internal order which we alone are competent to make.

As to the question of principle raised by the objections of the British Government to the right of Frenchmen to fish for lobsters, it is all the more difficult for us to follow the London Cabinet on the ground on which they apparently wish to take up their position, that, in the opinion of the Government of the Republic, no doubt can exist as to our privilege of preparing lobsters as well as cod for export. The Treaties interpreted in good faith and according to their spirit guarantee to us, in fact, on the "French Shore," an unrestricted right of fishing as well as the use of the coast for the preparation of the produce of such fishing. Besides, it is impossible to conceive that British residents should be at liberty to pursue the same calling in the sphere defined by the International Agreements unless it is admitted on the one hand that they can, wherever they may be, prevent us from fishing for cod, which would amount to a denial of the very existence of the Treaties; and, on the other hand, that they are at liberty to establish themselves on the reserved coast, a thing which is explicitly prohibited by the declaration of King George. If the spirit as well as the letter of the Treaties is adhered to, it seems impossible to escape from this solution, which establishes the absolute character of our right of fishing under the conditions as to duration and settlement fixed by the Treaties, conditions against which we have never thought of raising objections.

I have, &c.
(Signed) RENÉ GOBLET.

No. 129.

Colonial Office to Foreign Office.—(*Received March* 16.)

Sir, *Downing Street, March* 14, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of a copy of a despatch from Her Majesty's Ambassador at Paris,* with a note from the French Government in reply to the protest of Her Majesty's Government on the subject of French lobster factories and French lobster fishing on that part of the coast of Newfoundland to which French Treaty rights extend.

The circumstances of the French intrusion at White Bay were communicated to the Secretary of State by a telegram from the Governor of Newfoundland, dated the 3rd July, 1888. Mr. Elliot was instructed by the Marquis of Salisbury to make a representation to the French Government, which he did on the 8th July following. On the 18th July a despatch was received in this Office from the Governor of Newfoundland, with full particulars of the proceedings of the French at White Bay, and with a statement of facts. Copies of this despatch and inclosures were communicated to the Foreign Office on the 23rd July, with a suggestion that a further representation might be made to the French Government, and that their attention be called to the claim of Messrs. Murphy and Andrews to compensation. Lord Salisbury appears to have mentioned the case on the same day (possibly before the Colonial Office letter was received) to the French

* No. 128.

Ambassador, who replied that no information had reached him; and on the 28th July this Office was informed that, in view of the representation already made, it was not proposed to make any further representation to the French Government pending their reply. The answer of the French Government was communicated to this Office on the 20th November, and Lord Salisbury's rejoinder (which was dated the 17th December, and addressed to Lord Lytton) was sent to this Department on the 29th December. The present note from M. Goblet is the further reply of the French Government.

So far as the right of the French to erect lobster factories is concerned, Lord Knutsford desires me to state, for the information of Lord Salisbury, that he is of opinion that the arguments of the French Government cannot be sustained.

The photograph which forms an inclosure to M. Goblet's note to Lord Lytton of the 30th October last clearly does not represent such a construction as is allowed by Treaty.

Lord Knutsford can only suggest that the arguments already advanced by Lord Salisbury on this subject should be repeated, but his Lordship thinks that it may be desirable that the papers sent over by the Governor in the despatch already adverted to should be made the subject of a further representation to the French Government; and, if Lord Salisbury should concur, that the claim of Messrs. Murphy and Andrews should be pressed.

With reference to the phrase used by M. Goblet in his present note, with regard to the exclusive concession purported to be granted to M. Thubé Lourmand, "que nous (the French Government) ne saurions accepter la discussion sur une mesure d'ordre intérieur qui est de notre compétence exclusive," Lord Knutsford thinks that it must be admitted that the French are within their rights in making such arrangements as they may think fit for regulating the mode in which French subjects shall exercise their Treaty rights, but that if by the mention of "ordre intérieur," they mean to assert a right to establish Police Regulations for keeping order on shore, this is clearly a further assumption of rights not conferred by Treaty.

Exception should be taken, in Lord Knutsford's opinion, to the allusion to "côte réservée" which occurs towards the end of M. Goblet's note, as these words imply that the French have reserved to themselves this part of the coast, instead of, as the fact is, that their rights are due to the concessions made by England in the Treaty of Utrecht.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 130.

M. Waddington to the Marquis of Salisbury.—(*Received March* 18.)

M. le Marquis, *Londres, le* 15 *Mars*, 1889.

J'AI eu l'honneur, par ma lettre du 15 Décembre dernier, de rappeler à Votre Seigneurie les motifs de tout ordre précédemment exposés dans une lettre de cette Ambassade, en date du 2 Septembre dernier, qui rendent indispensable aux yeux de mon Gouvernement que l'usine établie sur le "French Shore" à Terre-Neuve, par le Sieur Shearer, pour la préparation du homard, soit définitivement fermée. J'ai, d'autre part, indiqué quelles raisons et quels textes justifiaient la capture et la préparation du homard par les pêcheurs Français sur la partie des côtes où les Traités nous assurent un droit de pêche à l'abri de toute gêne, de toute concurrence.

Mon Gouvernement attacherait beaucoup de prix à connaître aussitôt que possible les résolutions du Cabinet Britannique, en ce qui concerne l'usine Shearer, dont le maintien ne saurait, dans notre opinion, être considéré que comme contraire aux engagements liant nos deux pays. Il n'échappera pas à Votre Seigneurie que, depuis la promulgation du "Bait Act," la question a pris pour les pêcheurs Français un intérêt spécial qui me met dans la nécessité d'insister une fois de plus pour une prompte solution. Nos pêcheurs s'occupent de la capture du homard non seulement comme étant en lui-même un produit qu'ils peuvent exploiter, mais comme étant un appât; et ils en ont plus que jamais besoin, à ce titre, depuis que l'Acte précité leur a fermé les baies d'où ils retiraient habituellement la boëtte. A ce même point de vue de l'appât, l'usine Shearer constitue encore une gêne pour nos pêcheurs, qui se trouvent dans l'impossibilité de pêcher les quantités de hareng et de capelan qui peuvent se présenter dans les eaux dont il s'agit, arrêtés qu'ils sont par les casiers du Sieur Shearer. Ces casiers occupent les places qui

nous sont réservées, gênent nos pêcheurs pour la capture de l'appât, entravent, à cet endroit, la pêche de la morue, leur causent, s'ils la tentent, des dommages du genre de ceux qu'a subis le Capitaine Belin, commandant du "Duc," dont les filets ont été déchirés à concurrence de 3,000 fr. De quelque manière qu'on envisage la question, qu'on se place, soit au point de vue de la concurrence que nous fait le Sieur Shearer, soit au point de vue de la gêne qu'ils nous cause, sa situation est illégale, contraire aux Traités, et je ne puis douter que, telles étant les circonstances, le Gouvernement de la Reine ne prenne de promptes mesures pour rendre à nos nationaux la justice qui leur est due. Je serais heureux d'en recevoir l'assurance de Votre Seigneurie.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, March* 15, 1889.

I HAD the honour, in my note of 15th December last, to recapitulate the various reasons already given in the note from this Embassy of 2nd September last, which made it indispensable in the eyes of my Government that the lobster factory established on the "French Shore" in Newfoundland by Mr. Shearer should be definitely closed. I have already indicated the reasons and documents justifying the catching and preparing of lobsters by French fishermen on that part of the coasts where the Treaties assign to us a right of fishing free from all molestation and all competition.

My Government would be very grateful to learn, as soon as possible, the decision come to by the British Cabinet in regard to the Shearer factory, the maintenance of which, in our opinion, could be considered as nothing less than a contravention of the engagements binding the two countries. It will not have escaped Your Lordship's observation that since the promulgation of the "Bait Act," the question has become one of special interest for French fishermen, and this places me in the necessity of again pressing for a prompt decision. Our fishermen catch lobsters as being by nature not only fish they may lawfully catch, but as being bait; and they have all the more need of them under this latter head, now that the above-mentioned Act has closed those bays to them where they used to procure bait. As regards this same question of bait, the Shearer factory constitutes a further hindrance to our fishermen, who find it impossible to catch the quantities of herring and of capelin which are to be found in the waters in question, since they are stopped by the lobster pots of Mr. Shearer. These lobster pots occupy the position reserved for our use, impede our fishermen in the catching of bait, hinder them in their cod fishery on this spot, and occasion them, if they attempt it, losses of the kind experienced by Captain Belin, Commander of the "Duc," whose nets were destroyed to the value of 3,000 fr. In whatever way the question is looked at, whether from the point of view of the competition carried on with us by Mr. Shearer, or from that of the hindrance he causes us, the state of affairs is illegal and contrary to the Treaties, and I have no doubt but that, under these circumstances, Her Majesty's Government will take prompt steps for granting to our citizens the justice due to them. I should be glad to receive Your Lordship's assurance on this point.

I have, &c.
(Signed) WADDINGTON.

No. 131.

Foreign Office to Colonial Office.

(A.)
(Extract.) *Foreign Office, March* 23, 1889.

LORD SALISBURY has had under consideration that portion of your letter of the 14th instant which concerns the claim for compensation put forward by Messrs. Murphy and Andrews on account of the interference by the French war-ship "Drac," in June last, with the arrangements which they had made for the establishment of a lobster factory at Hauling Point, White Bay, Newfoundland.

I am now directed by his Lordship to request that you will call Lord Knutsford's attention to the letter which was addressed to the Colonial Office on this subject, by his Lordship's direction, on the 16th July last, and which suggested that the Governor of

Newfoundland should be called upon to report what title Messrs. Murphy and Andrews had to the land on which they commenced to erect their factory.

Lord Salisbury is of opinion that this point should first be cleared up before further steps are taken in the matter.

No. 132.

Foreign Office to Colonial Office.

(B.)

Sir, *Foreign Office, March* 23, 1889.

M. JUSSERAND called on the 20th instant at this Department to request that the French Government might be informed of the result of the representations made by Her Majesty's Government to that of Newfoundland as to the necessity of marking small fishing-vessels. He added that his Government are also desirous of learning whether Her Majesty's Government have been able to obtain an amendment of the Colonial Acts, so as to provide for the immediate suppression of cod-traps in Newfoundland waters.

I am directed by the Marquis of Salisbury to request that, in informing Lord Knutsford to the above effect, you will move his Lordship to enable Lord Salisbury to reply to M. Jusserand's inquiries.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 133.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, March* 28, 1889.

I HAVE the honour to transmit to you, for your information and for that of your Government, copies of a correspondence relating to the questions which have arisen connected with the establishment on that part of the coast of Newfoundland to which the French rights of fishery extend of British and French factories.

This correspondence relates especially (first) to the lobster factory established by Mr. Shearer at Port Saunders, and (secondly) to the proceedings of the French at Hauling Point, White Bay, which formed the subject of the complaint of Messrs. Andrews and Murphy, communicated to me by Sir H. Blake in his telegram of the 3rd July last and in his despatch of the 10th of that month.

With regard to Mr. Shearer's factory, it will be observed that a correspondence passed between Captain Humann, commanding the French Naval Division, and Captain Hamond, of Her Majesty's ship "Emerald," in June 1888, in which the former alleged that annoyance was caused to French fishermen and that damage was done to their nets by the lobster-traps set in the adjacent waters, and that in order to prevent such interference directions were given by Captain Hamond to Mr. Shearer forbidding him to set any lobster-trawls in waters adjoining certain parts of the shore.

Subsequent to this, viz., on the 2nd September, 1888, a note was addressed by the French Ambassador at this Court to the Marquis of Salisbury expressing the strong objections entertained by the French Government to the interference caused to their fishermen by Mr. Shearer's establishment, and demanding its suppression. This note was replied to by the Marquis of Salisbury on the 23rd November last. The French Ambassador was informed that reports had been received from British naval officers on this subject which showed that proper and sufficient steps were taken by Captain Hamond to satisfy the obligation imposed by the emgagements between this country and France to prevent Mr. Shearer from interfering in any way with the reasonable enjoyment by French citizens of their rights of fishery.

M. Waddington replied to the Marquis of Salisbury in a note dated the 15th December renewing the protest of the French Government against the establishment of Mr. Shearer's lobster factory, and contending that the right given by the Treaty of Utrecht to the subjects of France to catch fish and to dry them includes the right to catch and prepare lobsters.

The reply to this further representation of M. Waddington is contained in Lord Salisbury's note of the 28th instant.

As the copies of the correspondence above referred to are annexed, it seems

unnecessary to recapitulate in this despatch the arguments advanced on the part of the French Government in support of their demand for the suppression of Mr. Shearer's factory and lobster fishing, or to explain more fully than is done in Lord Salisbury's two notes of the 23rd November and 28th instant the views held by Her Majesty's Government on this subject.

It is clear, however, that the taking of lobsters by means of traps where such traps absolutely prevent the French from hauling their seines for bait or other fish should be prevented as far as possible, and instructions have been given to the British naval officers to warn Mr. Shearer thas his lobster-traps must be removed whenever French fishermen are actually desirous of fishing in the waters which are occupied by the traps, but that the traps can be reset after the waters have been left by the French. If this course is taken it is believed that all just ground of complaint on the part of French fishermen of the interruption of their fishery by the use of these traps will be removed, but it is not of course intended that French fishermen should be allowed to supplant Mr. Shearer's lobster-traps by any such traps of their own.

The naval officers have also been instructed to warn fishermen on the coast that cod-traps interfering this season with the actual use of any waters by the French must be removed whilst the French are actually occupying, or desirous of occupying, such waters.

With regard to the proceedings of the French at Hauling Point, White Bay, the correspondence mentioned in the Schedule accompanying this despatch will put yourself and your Government in possession of the views held respectively by the British and French Governments as regards the claim of the French to the right to establish such factories. It will be seen that, on the receipt of Sir H. Blake's telegram, a representation was at once made to the French Government, and that subsequently a further representation was made to them on the 21st December through Her Majesty's Ambassador at Paris, and it will also be seen that Her Majesty's Government deny the right of the French to erect on the Newfoundland shore any buildings other than "scaffolds" and "stages made of boards," and "huts necessary and usual for drying fish."

It will be observed that the correspondence on this part of the subject is not yet fully completed, and that, as regards the claim made by Messrs. Andrews and Murphy to compensation, a reply is desired to the despatch addressed to Sir H. Blake on the 23rd July last, as to the title to the land on which the factory of Messrs. Andrews and Murphy was erected.

I have, &c.
(Signed) KNUTSFORD.

No. 134.

Lord Knutsford to Governor Sir T. O'Brien.

(Extract.) *Downing Street, March* 28, 1889.

IN another despatch of this day's date I have communicated to you the correspondence which will place yourself and your Government in possession of the views of Her Majesty's Government in regard to the establishment of British and French lobster factories on the coasts of Newfoundland to which the French Treaty rights extend.

Your Ministers will readily understand that Her Majesty's Government are placed in a position of some difficulty owing to the present state of this question.

On the one hand, Her Majesty's Government can hardly insist on the removal of the French factories whilst the British factories remain, and, on the other, it can scarcely be expected by the French that British factories should be removed and French ones be allowed to remain.

Her Majesty's Government rather incline to the opinion that the best solution of the difficulty might be to endeavour to come to an arrangement with the French Government that the factories of both countries should be allowed in places and under conditions jointly approved by the British and French Naval Commanders-in-chief on the station. Her Majesty's Government would be glad to receive the views of your Government on this subject, or any suggestions which they may have to offer for a solution of the question.

In any case, Her Majesty's Government are of opinion that a cause of much difference between the two Governments might be removed if Mr. Shearer's factory at

Port Saunders were transferred to some other site where it could not interfere with French fishing.

A correspondence relating to the interference caused to the fishery of the French by the use of cod-traps is still being carried on with the French Government, but copies of it, when it is further completed, will be communicated to you.

No. 135.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, March* 28, 1889.

I HAVE had under my consideration, in consultation with Her Majesty's Secretary of State for the Colonies, your Excellency's notes of the 15th December last and the 15th instant, renewing the protest of the French Government against the establishment of Mr. Shearer's lobster factory on the west coast of Newfoundland, and contending that the right given by the Treaty of Utrecht to the subjects of France to catch fish and to dry them includes the right to catch and prepare lobsters.

The views of Her Majesty's Government upon the question of the French lobster factories in Newfoundland were fully set forth in a note addressed by Lord Lytton to the French Government on the 21st December last, which crossed your Excellency's note of the 15th December, and I have now the honour to inform you that, with every desire to accord full weight to the further representations put forward in your communication, Her Majesty's Government are unable to depart from the conclusions at which they have arrived in this matter.

In the first place, the question whether crustacea are fish within the provisions and intentions of the Treaties affecting the French rights of fishery on the coast of Newfoundland is one upon which the two Governments are divided in opinion; Her Majesty's Government have never admitted the contention of the French Government on this point, for the Treaties expressly apply to such fish as are capable of being dried on stages and scaffolds.

But even if it were admitted, for the sake of argument, that French subjects are entitled by Treaty to fish for lobsters in Newfoundland waters, the claim now put forward to establish on shore factories for canning lobsters is one which, in the view of Her Majesty's Government, is clearly excluded by the terms of the Treaties.

The right given as to the buildings, by those Treaties, is limited to "stages made of boards, and huts necessary and used for drying of fish."

The Declaration of 1783 stipulates that the plan on which the fishing shall be carried on shall not be deviated from by either party, "the French fishermen building only their scaffolds." But the catching and tinning of lobsters is a new industry which has sprung up in recent years, and requires not "stages usual for drying fish," but factories. It involves operations never before practised, and Her Majesty's Government must renew their protest against the establishment of such factories and the pursuit of such an industry by French fishermen on British territory, under a claim of Treaty right.

But your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, "troubler en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

As a matter of fact, there have of late been few, if any, practical difficulties between French and British fishermen on the Newfoundland coasts and waters, and, in the opinion of Her Majesty's Government, it would be expedient to seek some solution which would render the further discussion of the question unnecessary.

I beg to add that I shall have the honour of addressing a further communication to your Excellency in reply to the representation on the general subject of Newfoundland fisheries contained in your note of the 7th December last.

I have, &c.

(Signed) SALISBURY.

No. 136.

Colonial Office to Foreign Office.—(Received April 4.)

Sir, *Downing Street, April 3, 1889.*

I AM directed by Lord Knutsford to acknowledge the receipt of your letter (B) of the 23rd ultimo on the subject of an inquiry made by M. Jusserand on behalf of the French Government as to the present position of the questions connected with the marking of small fishing-vessels, and to the suppression of cod-traps in the waters of Newfoundland.

With regard to the marking of fishing-vessels, I am desired to request that you will refer the Marquis of Salisbury to the despatch which was addressed to the Governor of Newfoundland on the 15th February last, of which a copy was communicated to the Foreign Office in the letter from this Department of the 18th of that month.*

As no reply had been received to that despatch, Lord Knutsford, on the receipt of your letter under acknowledgment, telegraphed to the Governor of Newfoundland, inquiring whether his Ministers proposed to take any steps in the matter during the present Session of the Legislative Assembly. From the inclosed telegram which has been received in reply, Lord Salisbury will observe that there are difficulties in the way of carrying any measure at present through the Colonial Legislature.

As regards the question of the suppression of cod-traps, Lord Salisbury is aware that the Act of the Legislature of Newfoundland abolishing cod-traps (cap. 8 of 1888) will take effect from the 9th May of next year. The reasons for delaying the operation of the Act for two years from the date of its passing are given in Sir H. Blake's despatch of the 6th July, 1888,† and the purport of the explanation given by the Governor was communicated to M. Waddington in a note dated the 28th of that month.

Lord Salisbury will probably agree with Lord Knutsford in the opinion that the reasons given for the short delay in bringing the Cod-trap Abolition Act into operation justify that delay, and the validity of those reasons can hardly fail to be recognized by the French Government, to whom the poverty of the fishing population on the coasts of Newfoundland is undoubtedly well known.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 136.

Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 1, 1889.)

NOTWITHSTANDING very strong representations from me, Ministers decline to introduce Act for marking fishing-boats; unanimously of opinion impossible [to] pass through Legislative Assembly owing to public opinion excited.

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* No. 127. † No. 108.

No. 137.

Foreign Office to Colonial Office.

(Extract.) *Foreign Office, April* 15, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 3rd instant, inclosing a telegram from the Governor of Newfoundland, in which he states that, notwithstanding very strong representations from him, his Ministers decline to introduce an Act for marking small fishing-boats, and that they do so because they are unanimously of opinion that it is impossible to pass it through the Legislative Assembly. I am to request that you will point out to the Secretary of State for the Colonies that this measure has been repeatedly urged by the French Government as the only means of enabling the authorities of the Colony to detect and adequately punish offenders against its Laws upon points in which France is interested under existing Treaties. The request of the French Government, that an obligation should be imposed which can inflict no inconvenience, which is common in other countries, and of which the only aim is to facilitate the detection of offences against the law, is evidently reasonable, and it is a matter of very great regret that the Ministers of Newfoundland have not been able, or have not thought themselves able, to propose it for the acceptance of the Legislature.

No. 138.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 22, 1889.

WITH reference to my letter of the 15th instant, relative to the question of the proper marking of fishing-boats in the Colony of Newfoundland, I am directed by the Marquis of Salisbury to transmit to you copy of the Convention concluded in 1882, between Great Britain, Germany, Belgium, Denmark, France, and Holland, for regulating the police of the North Sea fisheries. I am to request that you will call Secretary Lord Knutsford's attention to Articles V to XI of this Convention, which provide for the marking of all vessels fishing within the limits specified in Article IV. It appears to Lord Salisbury that there is no reasonable ground on which the Government of Newfoundland can object to introduce in that Colony Regulations similar to those which the Governments interested in the North Sea fisheries have agreed upon as best calculated to insure proper police, and to prevent the occurrence of disputes among rival fishermen.

I am further to request that you will point out to Lord Knutsford the statement made in Captain Hamond's Report to Vice-Admiral Lyons, dated the 25th October, 1887, and forwarded by the Admiralty on the 13th January, 1888, to the following effect:—

"I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered. . . . As matters stand now, those schooners which fit out for their summer voyage for fish are under no control whatever. With proper means for identifying vessels, I believe the greater part of the wrecking of the 'Belem' would not have occurred."

I am, &c.
(Signed) P. CURRIE.

No. 139.

Colonial Office to Foreign Office.—(Received May 1.)

(Extract.) *Downing Street, April* 30, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing various

documents relating to the questions connected with the establishment of British lobster factories on the coast of Newfoundland, and to the rights of French fishermen under the Treaties and engagements between Great Britain and France.

Some of the papers now forwarded by the Governor relate to the title to the land on which the lobster factory of Messrs. Murphy and Andrews was erected in White Bay. These papers supply the information asked for in your letters noted in the margin.*

As regards the action of Captain Bearcroft in warning off Messrs. Murphy and Andrews, Lord Knutsford desires me to observe that it can only be left to the British naval officers on the station to determine what is and what is not an interference with French fishing. In this case Captain Bearcroft appears to have considered that Messrs. Murphy's factory constituted such an interference.

I am to inclose, for Lord Salisbury's consideration, the draft of a despatch which Lord Knutsford proposes, with his Lordship's concurrence, to address to the Governor of Newfoundland on some of the points to which his despatch and the accompanying papers relate.†

Inclosure in No. 139.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *March* 16, 1889.

WITH reference to the telegram sent to you on the 14th instant, copy of which goes by this mail, I have the honour to report that it was the result of an interview with a deputation from the Legislative Council that waited on me with the Address alluded to below (Inclosure C), when those gentlemen urgently pressed for information as to whether they would be liable to be disturbed, during the coming lobster fishery, by the French; such information being essential prior to their incurring the heavy outlay required for the prosecution of this industry.

Since the departure of the last mail, a fortnight ago, the agitation in regard to this question has continued, as will be seen by the accompanying documents:—

(A.) Copy of a notice before the House of Assembly by Mr. Carty, Member for St. George, and a supporter of the present Government, which motion has been from time to time postponed, the question being therefore still in suspense.

(B.) Copy of a Petition to the Governor in Council, now before that body, from Dr. Howley, Prefect Apostolic of West Newfoundland, and others, going over the oft-repeated grounds of the grievances of the inhabitants on the shores subject to French Treaty rights.

(C.) An Address to the Governor from the Legislative Council on the subject of the removal last year of Mr. Murphy's lobster factory in White Bay.

(D.) My reply thereto.

(E.) A similar Address from the House of Assembly on the same subject.

(F.) My answer to the same.

(G.) Mr. Monroe's speech in the Legislative Council.

If, my Lord, I might be allowed to carry my observations further, I would deprecate the evident attempt on the part of the French (*vide* proceedings of Assembly received by last mail, giving Admiral Véron's motion on the subject) to use the Bait Bill as an excuse for straining their Treaty rights; for, to my mind, however opinions may differ as to the Bill in its present shape, the Statute in question was solely an act of self-preservation forced on Newfoundland by the bounties offered by France, not on fish imported into that country, but on that exported from thence to compete with us in the foreign markets; an act that could hardly be considered to be of advantage to France, seeing that a large sum goes out of the pocket of the French taxpayer to cheapen the food of strangers, while destroying the staple industry of the Colony of a friendly Power; a question totally apart from Treaty rights and the "French Shore" question on the one hand, and our new industry of lobster canning and its factories on the other.

The time, as above stated, for preparing for the lobster fisheries has arrived, and, as your Lordship will observe, the people naturally wish to know if this industry, which affects the lives of thousands of British subjects, and the investment of a large sum of British capital, is to be stopped or not. I therefore venture to hope that your Lordship

* Nos. 104 and 131. † See No. 141.

will be enabled, at all events for the present season, to assure them that, pending a definite solution, the *status quo* will be maintained, or that at all events those factories which, as M. Goblet stated in his speech, had been existing for years past should not be interfered with, but be protected by the Home Government.

As regards the actual question of Mr. Murphy's factory, I beg to inform your Lordship that it would appear that Messrs. Murphy and Andrews were squatters on the land in question (*vide* Inclosure H), and I append another letter,

(I.) From Messrs. McNeily, to render the correspondence complete.

(A.)

House of Assembly, March 11, 1889.

Notice of Motion.

Mr. Carty,—To move the House into Committee of the whole to consider the question of the rights and privileges of the people resident on the west and north-east coasts of this island, and also the question of the privileges of the French upon the said coasts, and the proper action to take thereon.

(B.)

Memorial of the Inhabitants of the West Coast of Newfoundland to his Excellency the Governor in Council.

May it please your Excellency,

WE, the undersigned inhabitants of that portion of the island which has been called the "French Shore," beg humbly to approach your Excellency on a matter of the greatest importance to us.

We have read with some alarm in the public papers a discussion which has lately taken place in the French Senate on the subject of the rights of that nation on this coast. In reply to an interpellation of M. l'Amiral Véron, M. Goblet, Minister for Foreign Affairs, replied that it was the intention of the French Government to prevent the establishment of lobster factories on this shore, and to suppress those already in existence.

We therefore beg to make an earnest appeal for protection in our occupation and industries, and a respectful but firm protest against this threatened action of the French, which we consider to be a most exaggerated interpretation of their rights, and which, if put into execution, would be the source of ruin to us lawful inhabitants of this shore.

We deem it unnecessary to remind your Excellency of the conditions of these Treaties by which the French are allowed to fish here; we shall merely quote such portions of the Treaties as are necessary to put our case clearly before your Excellency and to make our arguments intelligible.

In the Treaty of Utrecht, 1713, Article XIII, it is stipulated as follows:—

"The Island of Newfoundland shall from this time forward belong of right wholly to Great Britain." "It shall be allowed to the subjects of France to catch fish and dry on land on that part only of the island which stretches from Cape Bonavista to Point Riche," &c.

This Treaty was ratified, with some changes of the points of limitation, by the Treaty of Paris, 1763, and that of Versailles, 1783.

The dominion of the island is distinctly declared to belong to Great Britain. Now, unless these words are to be rendered altogether nugatory, a mere sentence without any meaning, it must be understood to declare that British subjects have a right to occupy the land, to erect establishments thereon, in a word, to exercise all the rights of citizens, excepting only as such can be shown, on *bonâ fide* evidence, to interfere with those rights of fishing conceded to the French.

As a matter of fact this clause has thus been interpreted by the British on the one hand, who have permitted a large population now exceeding 12,000 to settle upon the coast;

by the Newfoundland Government, which has extended to them all the rights of citizens, such as the franchise, postal communication, judicial and police superintendence, fiscal and Customs exactions, &c.; and finally, by the French, who have permitted those operations to proceed without making any practical protest against them.

The recent passing of the Bait Act having been a source of inconvenience to the French has urged them to make the aforesaid threats of retaliation by interfering with the established industries of British subjects on this coast.

But it cannot for a moment be maintained that the passing of the Bait Bill has given to the French one tittle of right on this shore beyond what they had already possessed; it may, however, be urged that it has forced them to exercise some rights which they formerly possessed but left in abeyance.

We maintain that before the passing of the Bait Act the French had the right to cause to be removed British establishments only in cases where it could be proved on *bonâ fide* evidence that the said British establishments actually interfered with the prosecution of the fishery by the French. They, on the other hand, maintain that they have an absolute right to have those establishments removed without showing any reason therefor.

This contention they ground upon the words of the Declaration of His Majesty George III attached to the Treaty of Versailles, 1783. We here quote the words of the Declaration: "His Britannic Majesty will take most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed."

In reply to this we beg to state:—

1. That these words are not in the Treaty. They are not embodied in the International Act binding the two nations,* but are an afterthought, a purely personal declaration of good-will and good faith on the part of His Britannic Majesty towards His Most Christian Majesty Louis XIV, King of France, who, on his part, made a counter-declaration to the King of England. It was a gratuitous and mutual interchange of diplomatic courtesies, binding the individuals themselves in honour to carry out the Treaties honestly and efficiently by such means as they deemed necessary, but by no means obliging the successors or the nation to such action, which events have proved to be altogether unnecessary.

2. We beg your Excellency to observe that His Britannic Majesty does not say that he will absolutely cause to be removed those settlements, but only on condition that such action should be found necessary "for preventing the British fishermen from interfering with or interrupting the French." Therefore we argue that these words can only apply, if at all, to those cases in which the French can show that the said establishments really interfere with their fisheries.

Hence, as M. Goblet declares that, previous to the passing of the Bait Act, these our establishments were "tolerated" by the French Government because they did not interfere with the French fishery, he must now show, before proceeding to their suppression or removal, that the passing of the Bait Bill has so altered the circumstances of the case that those establishments, which did not formerly interfere with their fisheries, do so interfere now since the passing of that Act. This interference could only arise from three causes:—

1. Because the French, by the Bait Act, have been driven to come to take bait on this shore in places where lobster factories are erected, and find such factories an obstacle to the taking of the bait; or

2. That the Bait Act has caused them to open or establish new fishing rooms on this coast in places now occupied by lobster factories; or

3. That they require all the bait that can be got, and hence must prevent the factories from taking it.

Now, the first of these conditions is not verified, because the factories are erected and the lobster-pots set in places which are not used for taking bait, and if any of our lobster factories can be shown really to interfere with French fishing, we are prepared to remove them from such places.

In reply to the second supposition, we say it is a well-known fact that the French are not about to open up any new fishing establishments, but, on the controry, are gradually curtailing those already in existence; and

Thirdly, the bait used generally for bait in the lobster-pots is cods' heads, which, of course, are not wanted by the French. Again, as a rule, the lobster-traps are not set till

* Though afterwards embodied in an Act of Parliament.

after the French have taken all the bait they require, and the quantity of herring used for lobster bait is quite insignificant, and no way affects the French baiters. As a matter of fact, after the French had taken sufficient bait last spring in St. George's Bay and departed to the Bank, the people of the bay took some 20,000 barrels.

In view of all these facts, then, we humbly submit that the suppression of our lobster factories (unless in cases of clearly proved obstruction to French fishing) is altogether outside the just rights of the French nation, and we earnestly call for protection of the same.

But if it is the case with regard to our fishing industries, what must be said of French interference with our mining and other land operations?

It is within our knowledge that, on representations being made by French authorities, mining and other operations on land have been ordered to be suspended, after the expenditure of large sums of money upon the same, and that, too, even after the concession of mining licences by the Newfoundland Government, and on parts of the coast never used nor intended by the French for fishing purposes. This, we beg to submit, is a most preposterous assumption of right on the part of France, and we earnestly ask for protection and facilities in this matter.

This unwarranted pretension of France has been the cause of keeping this portion of the country in a backward state, and causing our rich mineral and carboniferous deposits to lie undeveloped.

Even at the present moment wealthy capitalists are ready to undertake mining operations here, but are deterred from investing capital unless secured in the right to carry on their works without interruption and with free access to the coast.

Again, on all our grants of land conditions are laid down rendering them utterly useless, to wit, that we shall not erect any permanent buildings, and that we shall be prepared to yield up our lands at a moment's notice. Is is impossible to hope that agriculture or any other industry can flourish under such conditions.

We therefore, in conclusion, earnestly request—

1. Protection for our lobster factories and all other fishing industries which do not interfere with French fishing rights.

2. Free access to the coast for the purpose of mining, ship-building, and all other operations.

3. Grants of land unhampered by the obnoxious conditions mentioned above.

And we will ever remain good and law-abiding subjects, &c.

(Signed on behalf of the people of St. George's Bay),

(Signed) M. F. HOWLEY, D.D., *Prefect Apostolic.*
CHARLES JEFFERY, *S.P.G.*
E. R. BISHOP.
HECTOR McDONALD.
JOHN THOMAS.
A. O'REILLY.
JOHN CASHIN.
ERNEST GARNIEN.
B. R. SOMERVILLE, M.D.

(C.)

Address to Governor Sir T. O'Brien from the Legislative Council.

To his Excellency Lieutenant-Colonel Sir J. Terence N. O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

THE Legislative Council respectfully request that your Excellency will cause to be laid on the table of this House all papers which may be in possession of the Government relating to the removal of a lobster factory from White Bay during the year 1888 at the instance of the French.

(Signed) E. D. SHEA, *President.*

Council Chamber, March 11, 1889.

(D.)

Reply of Governor Sir T. O'Brien to the Legislative Council.

THE Governor begs to acknowledge the Address of the honourable gentlemen of the Legislative Council, requesting that he will furnish that body with "all papers which may be in possession of the Government relating to the removal of a lobster factory from White Bay during the year 1888 at the instance of the French."

He has much pleasure in informing the Council that this matter has not been lost sight of, but that, as it seems to be considered to form part, not only of the general question of lobster factories, but of the French Treaty rights, a subject now prominently under the consideration of the respective Home Governments, the Governor regrets that he is not in a position to furnish you at present with such portion of the correspondence as he possesses, it being incomplete and mostly of a confidential nature.

He has not failed to impress on the Secretary of State the anxiety felt by the inhabitants of Newfoundland for an early solution of this difficulty.

Government House, March 14, 1889.

(E.)

Address to Governor Sir T. O'Brien from the House of Assembly.

To his Excellency Sir J. Terence O'Brien, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

May it please your Excellency,

THE House of Assembly, in Legislative Session convened, respectfully request that your Excellency will be pleased to furnish the House with copies of all correspondence received and sent by your Excellency relative to the alleged removal of a lobster factory by a French war-ship at Hauling Point, White Bay, whether between your Excellency and the Imperial Government, or between your Excellency and the owners of the said factory, their agents or counsel.

(Signed) ALEX. J. W. McNEILY, *Speaker.*

House of Assembly, March 1, 1889.

(F.)

Reply of Governor Sir T. O'Brien to the House of Assembly.

THE Governor begs to acknowledge the Address of the House of Assembly, dated the 1st March, and received by him yesterday, requesting that they be supplied with copies of all correspondence that has taken place relative to the alleged removal of a lobster factory at Hauling Point, White Bay, by a French war-ship.

He has to inform the gentlemen of the House of Assembly that, as the correspondence is incomplete, and mostly of a confidential nature, he regrets he is not in a position to furnish the information sought. He, however, trusts that, as this forms part of the whole question of the so-called "French Shore," which would appear to be now prominently under the consideration of the two Home Governments, ere long definite information on this point will be at your disposal.

He may, however, observe that from the correspondence received up to now it would seem that the question and your interests have not been lost sight of by the Colonial or Foreign Office, and that it is still under reference.

The Governor would also beg to point out that there would appear to be an error in the Address under reply, for he believes that the owner was a Mr. Murphy. If so, he finds that this gentleman was desired to remove his factory, not by a French war-ship, but

by Lieutenant Bearcroft, Commander of Her Majesty's gun-boat "Forward," which vessel was last year one of those sent by the Home Government to protect your fisheries.

The Governor has not failed to impress on the Secretary of State the great anxiety felt by the inhabitants of Newfoundland for an early solution of this difficulty.

Government House, March 12, 1889.

(G.)

Speech of Mr. Monroe in the Legislative Council, March 7, 1889.

Honourable Mr. Monroe said he was prompted to ask the question in the hope of hearing from the Colonial Secretary some declaration that would give assurance to the House and the public that the matter alluded to in his notice of motion had been urged upon the attention of the Imperial Government from our *locus standi*. That the unjustifiable interference with our lobster factories by the French last year, and its threatened renewal this season, had formed the basis of strong remonstrance, with the views of having all uncertainty upon the matter removed, and the minds of those interested set at rest prior to the commencement of this year's fishery operations. There is no hesitation or doubt about the position we colonists hold with regard to our territorial right upon the coast where the French have rights of fishery, and that position has been invariably upheld by successive generations of British statesmen and jurists. Therefore it was desirable that the unwarrantable action of the French should be protested against by the British Government, so that British subjects who already have factories upon the coast in question, and those who may contemplate erecting new factories and embarking their capital in the lobster fishery this season may have some reasonable guarantee that their means and property will be protected. Apart from the question of right, it must be manifest that a condition of uncertainty and insecurity that would forbid the employment of capital upon the coast will entail a great injury upon the trade and hardship upon the coast dwellers where lobster factories are, or would be, established, by depriving them of earning for the support of their families a large amount of money that would otherwise be circulated among them. Hence it will be seen that if some definite authoritative information could be given upon the point raised by his question a great advantage would accrue to the people and to intending prosecutors of the lobster fishery, either in the way of encouragement to proceed or by enabling them in time to avoid risking their means in operations surrounded with insecurity. He was quite aware that the correspondence upon the subject is between the Imperial Government and his Excellency the Governor; nevertheless, he considered that there should be some strong expression of opinion, either by the Government or Legislature, if such have not been already made, against the arbitrary action of the French last year, and its threatened repetition this season.

(H.)

Messrs. McNeily and McNeily to Mr. Withers.

[*Murphy and Andrews' Claim.—French Encroachment in White Bay.*]

Dear Sir, *St. John's, Newfoundland, August* 21, 1888.

WE have yours of yesterday's date, which only came to hand this morning. We have made all necessary inquiries into the title of our clients, and we find that their title to the land and premises upon which their lobster factory was erected, though they do not claim by any grant from the Crown (which would be hampered by the usual unwarranted restrictions), is based upon—

1. A right of possession in themselves, as British subjects, to that portion of British territory at Bear Cove, in Hauling Arm, White Bay, in the Island of Newfoundland, upon which they elected to make their buildings.

2. Upon an agreement with Job Pool for lease or sale of the premises. Pool has been in possession of the premises for six or seven years at least. We cannot find at

present how far beyond that period his title extends, but there has been during that time, and previously, erected upon the premises a dwelling-house, store, stage, and flake. Under the agreement referred to, our clients had the option of paying an annual rent or of purchasing the whole interest of Pool, but up to the time of the French interference they had not exercised their election, but were in lawful possession.

We are, &c.

(Signed) McNEILY AND McNEILY.

(I.)

Messrs. McNeily and McNeily to Mr. Withers.

[Re *Lobster Fishery at Hauling Point, White Bay.—Claim of Murphy and Andrews.*]

Sir, *St. John's, Newfoundland, August* 4, 1888.

IN this matter, during the absence of our client, Mr. Andrews, at St. John's, a notice, copy of which we append, was served upon his partner, Mr. Murphy. In consequence of this notice, and in obedience to an order the legality of which our clients do not recognize, they have removed all their plant and material from Hauling Point, and have sustained great loss thereby.

Their whole season's fishery has been ruined, and they have to submit that, in these circumstances, their acquiescence in an unwarranted command should entitle them to full compensation for the damage which has occurred to them.

Be good enough to lay this matter before his Excellency the Governor in Council. We have respectfully to request that this notice and all our correspondence should be laid before the Imperial authorities, and that the case of our clients should be taken into favourable consideration by those upon whom it devolves to carry out the true intent and meaning of the compacts between the High Contracting Parties.

It would be a matter of interest for us to know if the action of Commander Bearcroft is sustained by Her Majesty's Government, or if, on the other hand, he had been simply exercising an individual discretion, and assuming on his own behalf to interpret the spirit of the Treaties.

We have, &c.

(Signed) McNEILY AND McNEILY.

(J.)

Notice.

By John Edward Bearcroft, Esq., Lieutenant and Commander of Her Majesty's gun-boat "Forward":

To Mr. John Murphy,

WHEREAS the rights of fishing enjoyed by French subjects will be interrupted and interfered with by the fishing for lobsters and working of factories on the east side of White Bay, I hereby give you notice that the fishing for lobsters and working the factory under your management is to be discontinued.

Given under my hand, on board Her Majesty's ship "Forward," at Hauling Arm, White Bay, this 29th day of June, 1888.

(Signed) JOHN E. BEARCROFT.

No. 140.

Colonial Office to Foreign Office.—(Received May 9.)

(Extract.) *Downing Street, May 8, 1889.*

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 15th ultimo, relating to the question of marking small fishing-boats employed in the fisheries on the coasts of Newfoundland.

Lord Knutsford agrees with the Marquis of Salisbury that the request of the French Government that all such boats should be marked so as to facilitate the detection of offences against the law is reasonable, but there are circumstances which render the present moment a somewhat inopportune one for addressing a communication to the Colonial Government in the sense suggested in your letter.

It must be remembered that the Newfoundland Government has already given instructions for the observance of the law with respect to the marking of the larger class of vessels under the Merchant Shipping Act, and the Colony has recently obtained legislative authority for the suppression of cod-traps shortly after the commencement of the fishery season of next year. For these steps, both taken in the interests of the French, no advantage whatever has been obtained in return.

I am further to request that you will inform Lord Salisbury that a general election is to take place in Newfoundland in the course of this year, and there appears to be no probability that the Local Government will be able to make any progress with this question until after the election.

No. 141.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May 10, 1889.*

I HAVE the honour to acknowledge the receipt of your despatch of the 16th March, inclosing Addresses presented to you by the Legislative Council and Assembly of Newfoundland, in which the presentation of papers relating to the removal last year of Messrs. Murphy and Andrews' lobster factory at White Bay was asked for, and forwarding other documents, including a Memorial from inhabitants of the west coast of Newfoundland, relating to the lobster factories established on the coast, and to the French rights of fishery under the Treaties and engagements between this country and France.

I approve of the replies which you returned to the Legislative Council and Assembly respectively.

The Memorial from the inhabitants of the west coast, after giving the views of the memorialists as to the meaning and interpretation of the Treaties and engagements referred to, prays for—

1. Protection for British lobster factories and all other fishing industries which do not interfere with French fishing rights.

2. Free access to the coast for the purpose of mining, ship-building, and other purposes.

3. Grants of land unhampered by certain conditions referred to.

With regard to the first point, the papers recently sent to you, including the Marquis of Salisbury's communications to M. Waddington, which relate to the interference with Messrs. Murphy and Andrews' factory at White Bay, and which explain the views of Her Majesty's Government as to the rights of British subjects, will have placed you in possession of all the information that can, up to the present time, be communicated to you on the subject.

It is impossible for Her Majesty's Government to give any distinct assurance as to the maintenance of the British lobster factories on the coast, while the questions connected with them are in dispute with the Government of France, and they cannot ignore the passage in the Declaration of 1783 relating to fixed settlements, to which the memorialists attach a very different meaning to that entertained by the French Government.

Her Majesty's Government, however, still trust that it may be found possible to

arrive at some understanding with the French Government on the subject of these lobster factories.

As regards (2) free access to the coast for mining operations, &c., this matter was, to a great extent, dealt with in the Arrangement of 1885, which, much to the regret of Her Majesty's Government, was rejected by the Newfoundland Legislature.

Until some fresh arrangement shall have been come to with the French in the matter of the fisheries, such free access as is desired for the purposes mentioned cannot be given by Her Majesty's Government.

With respect to (3) the question of the issue of grants of land unhampered by the conditions subjecting such grants to a reservation in favour of French rights, Her Majesty's Government regret that they are unable, in the present position of the Fishery question, to meet the wishes of the memorialists.

You are at liberty to communicate to the memorialists the substance of the above remarks upon their Memorial.

I may assure you, in conclusion, that any favourable opportunity which may present itself for arriving at a settlement with the Government of France of the general question of the fisheries will not be neglected by Her Majesty's Government. You are, however, aware that many of the questions outstanding would have been settled had the Arrangement of 1885 been confirmed by the Colonial Legislature.

The papers inclosed in your despatch, which relate to the title to the land on which the lobster factory of Messrs. Murphy and Andrews was erected at White Bay, supply the information desired by Lord Salisbury in connection with this case, and have been communicated to the Foreign Office.

I have, &c.
(Signed) KNUTSFORD.

No. 142.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 10, 1889.

WITH reference to your letter of the 30th ultimo on the subject of the lobster fishery on the west coast of Newfoundland, I am directed by the Marquis of Salisbury to state that he has given his most careful attention to those portions of the Governor's despatch inclosed in your letter which relate to the state of feeling in the Colony in regard to this question.

It would appear from the Governor's Report that the agitation on the subject continues, and tends, as the fishing season approaches, to increase both in the Legislature and in the community at large, and Sir T. O'Brien urges strongly that some definite information should be given to the public as to the position and rights of the inhabitants, and that he should be at least authorized to give an assurance that, pending a definite solution, the *status quo* will be maintained, or that at all events those lobster factories erected by British subjects which have been existing for years past should not be interfered with.

Lord Knutsford is well aware of the difficulties which beset the question, and which render it almost impracticable under present circumstances to satisfy the request of the Governor.

There may be said to be three different contentions in regard to this matter.

The French Government hold that the Treaties secure to them the fullest rights of fishery and preserving of fish along this portion of the coast, including the catching and canning of lobsters, to the exclusion of British fishermen, whose operations, if permitted at all, are to cease at once upon notice from the French. They equally contend that British subjects are debarred from erecting factories or settlements of any kind along the shore, and the only limitation which they admit of their own rights, as above stated, is that the establishments erected by French citizens for the preserving of fish shall not be permanent buildings.

Her Majesty's Government have not attempted to claim that, under the terms of the Declaration of Versailles of 1783, British subjects have the right of erecting lobster-canning factories immediately on the Treaty Shore, but they contend that the French themselves have no right to erect such establishments, nor do they admit that the catching

of lobsters is included within the fishery rights secured to the French by Treaty. They maintain, moreover, that British subjects have the right both of catching lobsters and of other fishery along and off the Treaty Shore, except in cases where it can be proved that their operations actually interfere with French fishing.

Finally, the Colonial Legislature and the inhabitants on the coast not only claim the rights of fishery for themselves and the limitation of French rights as contended for by Her Majesty's Government and set forth above, but they regard it as an intolerable grievance, and as contrary to the intention of the Treaties, that any restriction should be placed upon the establishment of factories on the shore, except the sole condition that they are not actively to interfere with the fisheries and temporary fish-curing establishments of the French. They point to the fact that these lobster fisheries and lobster-canning establishments have existed up to 1886 without remonstrance on the part of the French as conclusive proof that they do not constitute such an interference.

The views, therefore, of Her Majesty's Government are not of a nature to be entirely satisfactory to the Colony, but still less does there seem to be any probability of their inducing the French Government to accept them, or of their obtaining the assent of that Government to any arrangement which will not be resented by the Colony as a sacrifice of its interests.

The question involves arguments of much nicety as to the exact verbal construction of the Treaties, and as to the intentions of the statesmen who negotiated those instruments more than a century ago. Such arguments, however sound they may be, are not generally of a nature to preclude at least a plausible reply, or to carry absolute and immediate conviction to the opposite party interested.

The question seems, therefore, to Lord Salisbury to be one of which it would be proper and useful to obtain a decision by impartial arbitration. Such a decision, to whichever side it might incline, would, in his opinion, be less disadvantageous than the present condition of uncertainty, in which all the parties interested consider that they have legitimate grounds of complaint, and no certain basis is afforded for ulterior negotiations towards a permanent settlement.

His Lordship would consequently propose to Secretary Lord Knutsford that the two parties should be approached with a view to the settlement of the question by reference to arbitration, and that the issues to be so referred should be :—

1. Whether the taking and preserving of lobsters can be properly considered as included in the terms of the Treaties which give to the French the liberty of fishing and drying fish on certain specified parts of the coast.

2. Whether lobster-traps set by British subjects along the coast can be said to interfere with French fishing operations in such a manner and to such extent as to constitute an infraction of the Treaties.

Lord Salisbury would be glad to have Lord Knutsford's opinion as early as possible, both upon the main question of arbitration and also on the terms and the limitations of the reference and the choice of an Arbiter. The latter points will, of course, be subject to reconsideration in the course of discussion with the French Government and the Colony, but it would be desirable to have a distinct understanding as to the arrangements which it should be sought to obtain.

I am, &c.
(Signed) T. H. SANDERSON.

No. 143.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, May* 14, 1889.

I COMMUNICATED at once to Her Majesty's Secretary of State for the Colonies the inquiries which were made by M. Jusserand at this Office on the 20th ultimo as to the present position of the question of marking small fishing-vessels in the Colony of Newfoundland.

I regret to inform your Excellency that there are at present serious difficulties in the way of carrying any measure of the desired character through the Colonial Legislature.

The local Customs authorities have, however, received instructions carefully to enforce the provisions of the existing Law, which requires that all decked vessels of over 15 tons burden shall be registered and properly marked; and it is the opinion of Her Majesty's naval officers that this rule, if strictly observed, is sufficient for the object in view.

As regards the question of the suppression of cod-traps, on which M. Jusserand also desired to be informed, your Excellency is aware that, in view of the large amount of capital invested in them, and the loss which would be inflicted by their immediate suppression, the Legislature of Newfoundland have decided that the prohibition shall only take effect after the expiration of two years from the passing of the Act for their abolition, viz., from the 9th May, 1888.

Her Majesty's Government are of opinion, after full consideration, that the reasons given for this short delay in bringing the Act into operation are sufficient to justify it; and they believe that the force of those reasons will be recognized by the French Government, to whom the poverty of the fishing population on the coasts of Newfoundland is undoubtedly well known.

I beg to add, however, that, pending the entire suppression of the cod-traps, instructions have been given to the British naval authorities of a special nature, with the object of preventing any undue interference by reason of these traps with the fishery of French citizens during the present season.

I have, &c.
(Signed) SALISBURY.

No. 144.

Colonial Office to Foreign Office.—(Received May 28.)

(Extract.) *Downing Street, May* 28, 1889.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 10th instant, relating to the difficulties which have arisen with the French Government in connection with the lobster fisheries on parts of the coasts of Newfoundland, and explaining the reasons which, in the opinion of the Marquis of Salisbury, render it advisable that certain issues connected with the lobster fisheries question should be submitted to arbitration.

Lord Knutsford desires me to request that you will inform Lord Salisbury that his Lordship is disposed to concur generally in the views expressed in your letter, and if the French Government are ready to submit the points referred to to arbitration, he will be prepared to press that course upon the Colonial Government. Lord Knutsford, however, thinks it advisable that the views of the French Government should be first ascertained before the Colonial Government is approached on the subject. A reason for adopting this course is to be found in the fact that a solution of the difficulty in respect of the lobster factories has been suggested to the Governor in a despatch to him dated the 28th March last, and to which no reply has yet been received from the Colony.

No. 145.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May* 28, 1889.

HER Majesty's Government have given their careful consideration to the case of Messrs. Murphy and Andrews, which formed the subject of Sir H. Blake's despatch of the 10th July last,* particularly in regard to the claim advanced by those gentlemen for compensation on account of the notice given to them last season to remove their lobster factory from Hauling Point, White Bay.

The facts of the case appear to be as follows:—

The original complaint contained in the despatch above referred to was that Messrs. Murphy and Andrews, having arrived at Hauling Point on the 10th June last, with the plant and supplies necessary for the establishment of a lobster-canning business in White Bay, and proceeded to erect their buildings, and had nearly completed their arrangements, when they were disturbed in their possession four days later, by the arrival on the spot of a large number of Frenchmen, and were compelled to remove by warning received from the Commander of the French war-ship "Drac," which shortly afterwards arrived in the bay.

For this Messrs. Murphy and Andrews claimed compensation, amounting to 2,180 dol. 63 c. But of this sum no less than 1,500 dollars was a claim of consequential damages for estimated loss of profit on the probable result of the season's fishery. As Her Majesty's Government would certainly refuse to admit such a claim if brought against themselves, it would be difficult for them to press it against the Government of another country.

Under instructions from the Secretary of State for Foreign Affairs, Her Majesty's Chargé d'Affaires at Paris remonstrated against the proceedings of the Commander of the "Drac," but without making any claim for damages.

M. Goblet, in answer, defended those proceedings as being no more than a proper protection of the rights secured for French citizens by Treaty, and in support of this defence he produced a copy of a notice issued on the 29th June, 1888, by Commander Bearcroft, of Her Majesty's ship "Forward," to Mr. Murphy, ordering him to discontinue the fishing for lobsters and the working of the factory under his management as interrupting and interfering with the right of fishing enjoyed by French citizens on the east side of White Bay.

In a Report subsequently communicated to me by the Board of Admiralty, Commander Bearcroft explained that, in consequence of a letter received from the Commander of the "Drac," he had proceeded to Hauling Arm, White Bay, and had given the notice after having satisfied himself that the working of Messrs. Murphy and Andrews' lobster factory would interrupt, by competition, the fisheries of the French.

Her Majesty's Government are of opinion that the fact of the proceeding complained of having been thus indorsed by a naval officer in Her Majesty's service would make it impossible for them to urge a claim for damages against the French Government with any prospect of success.

It further appears from papers inclosed in your despatch noted in the margin that Messrs. Murphy and Andrews had no valid title to the land on which they were proceeding to erect their establishment, nor had they taken any steps to obtain such title from the Crown.

As against any action of the Imperial or Colonial authorities for their removal from the land, they would seem to have no ground of complaint.

It is obvious that considerable discretion must necessarily be allowed to Her Majesty's naval officers in Newfoundland waters in deciding whether the fishing or other operations of British subjects interfere with the rights secured by Treaty to French citizens; and leaving on one side the question whether the erection of British lobster factories on that portion of the coast of Newfoundland where the French possess Treaty rights is or is not in itself a contravention of the Declaration of Versailles of 1783, it is apparent that Commander Bearcroft was convinced that Messrs. Murphy and Andrews' proceedings did constitute such an interference.

Her Majesty's Government do not deny that there is a certain element of hardship in the case, inasmuch as the French appear to have at once taken advantage of the removal of Messrs. Murphy and Andrews to set up lobster factories of their own, the legality of which is contested by Her Majesty's Government; but, taking all the circumstances into consideration, Her Majesty's Government do not consider that in the present condition of

* Inclosure 1 in No. 107.

the controversy on this point there would be any advantage in attempting to found upon this case a claim for compensation against the French Government.

You will be so good as to communicate this despatch to your Ministers, and to inform Messrs. Murphy and Andrews of the decision which Her Majesty's Government have arrived at in this matter.

I have, &c.
(Signed) KNUTSFORD.

No. 146.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, May* 31, 1889.

I HAVE the honour to acknowledge the receipt of your telegram of the 1st April.

2. The course taken by your Ministers in declining to introduce a measure for marking vessels, which cannot cause any inconvenience, which is common in other countries, and the only aim of which is to facilitate detection in cases of breaches of the law or of existing Treaties, is very unsatisfactory and disappointing to Her Majesty's Government.

3. I transmit to you, for communication to your Government, a copy of the Convention concluded in 1882 between Great Britain, Germany, Belgium, Denmark, France, and Holland for regulating the police of the North Sea fisheries, and I request that you will call the attention of your Government to Articles V to XI of this Convention, which provide for the marking of all vessels fishing within the limits specified in Article IV.

4. Her Majesty's Government is of opinion that there is no reasonable ground on which the Government of Newfoundland can object to the introduction into that Colony of Regulations similar to those which the Governments interested in the North Sea fisheries have agreed upon as best calculated to insure proper police and to prevent the occurrence of disputes among rival fishermen.

5. They request the attention of your Ministers to the following passages in the letter from Captain Hamond to Vice-Admiral Lyons, dated the 25th October, 1887 :*—

"I would point out again the absolute necessity of the Newfoundland schooners being properly marked with numbers on their sides and sails, their names being also painted on their sterns, and the vessels registered.

* * * * * *

"As matters stand now, those schooners which fit out for their summer voyage for fish are under no control whatever.

"With proper means for identifying vessels, I believe the greater part of the wrecking of the 'Belem' would not have occurred."

6. Her Majesty's Government trust that this matter will, without delay, receive the serious consideration of your Ministers, with a view to further legislation on the subject, and that in the meantime continued vigilance may be exercised in regard to the strict enforcement of the existing law.

I have, &c.
(Signed) KNUTSFORD.

No. 147.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, June* 22, 1889.

ON the 1st ultimo M. Jusserand made at this Office an intimation, on the part of the French Government, to the effect that St. Margaret's Bay and Brig Bay, on that part

* Inclosure in No. 83.

of the coast of Newfoundland where the French possess fishery rights, had been allotted for the forthcoming season as fishing-grounds to the vessels belonging to the French house of Thubé Lourmand.

This intimation was duly communicated to Her Majesty's Secretary of State for the Colonies; and I have now the honour to acquaint your Excellency that it is found, on examination of the information in possession of Her Majesty's Government, that British lobster fisheries have for some time been established in the two bays in question.

Instructions will be sent to the British naval officers on the coast to take care that in these bays the admitted rights of fishery granted to French citizens under the Treaties shall not be interfered with by British fishermen.

Your Excellency will, however, remember that I stated, in my note of the 28th March last, that Her Majesty's Government are unable to admit that the right to catch and can lobsters comes within the purview of the Treaties; and I think it right to say that, pending any arrangement for the solution of the question which has arisen on this point, Her Majesty's Government cannot undertake to issue instructions to their naval officers on the Newfoundland Station which would have the effect of facilitating the pursuit of this industry by French citizens, to the prejudice of that carried on by British subjects.

Her Majesty's Government trust that there is no foundation for a report which has reached the British naval officers on the Newfoundland Station to the effect that there is an intention of establishing a large French lobster factory at St. Margaret's Bay.

Her Majesty's Government must earnestly protest against the establishment of fresh lobster factories by French citizens, especially while questions relating to such establishments are in discussion between the two Governments.

I have, &c.
(Signed) SALISBURY.

No. 148.

M. Waddington to the Marquis of Salisbury.—(*Received June* 24.)

M. le Marquis, *Londres, le* 22 *Juin*, 1889.

PAR Sa lettre du 14 du mois dernier Votre Seigneurie a bien voulu me faire connaître les dernières dispositions prises en vue de faciliter l'identification des goélettes nomades et d'assurer la suppression des trappes à morues. Vous me faites connaître pour quels motifs il n'a pas été possible de faire disparaître immédiatement ces engins, mais en me rappelant qu'ils seront supprimés à partir du 9 Mai prochain, vous voulez bien m'informer que des instructions ont été envoyées aux autorités compétentes afin d'empêcher que l'usage des trappes pendant la présente saison ne s'exerce au préjudice de nos pêcheurs.

Tout en regrettant qu'il n'ait pas paru possible au Gouvernement de la Reine de procéder sur le champ à la suppression d'engins aussi nuisibles que les trappes à morues, j'ai l'honneur de prendre acte des assurances que Votre Seigneurie a bien voulu me donner tant pour ce qui concerne leur disparition à la date précitée que pour leur emploi pendant la présente saison.

Pour ce qui regarde les goélettes nomades il semble, d'après les renseignements recueillis par nos autorités, que le Gouvernement Local se soit borné jusqu'à présent à insérer dans la "Royal Gazette" un Avis au public rappelant les dispositions de la section 34 du "Merchant Shipping Act," qui s'applique uniquement aux navires Anglais immatriculés; or, les goélettes nomades qui ne sont pas immatriculées échappent aux prescriptions ainsi rappelées, et peu importe alors leur tonnage. Ainsi que le sait Votre Seigneurie, mon Gouvernement estime qu'il serait de l'intérêt commun que toutes les goélettes, sans exception, fussent astreintes à porter un signe distinctif. Si toutefois l'objet de nos désirs ne peut être atteint quant à présent dans son intégrité, du moins crois-je pouvoir compter sur des mesures plus efficaces que celles que je viens de rappeler. Je compte à cet égard sur les promesses que Votre Seigneurie a bien voulu me faire et que contient Sa dépêche précitée, supposant, d'ailleurs, qu'à la date où les renseignements que je viens de rappeler ont été envoyés à mon Gouvernement, les instructions dont parle Votre Seigneurie n'avaient pas encore pu parvenir aux autorités compétentes.

Veuillez, &c.
(Signé) WADDINGTON

(Translation.)

My Lord, *London, June* 22, 1889.

IN your letter of the 14th ultimo Your Lordship was good enough to acquaint me with the latest measures adopted with the view of facilitating the identification of stray fishing-smacks, and of insuring the abolition of cod-traps. You inform me of the reasons which render the immediate removal of these engines impossible, but, while pointing out that they will be abolished after the 9th May next, you are good enough to state that instructions have been sent to the proper authorities to prevent traps being used during the present season in a manner detrimental to our fishermen.

Whilst regretting that Her Majesty's Government have not seen their way to an immediate abolition of such injurious engines as cod-traps, I have the honour to take act of the assurances which Your Lordship has been good enough to give me, not only as regards their abolition at the date above mentioned, but also as regards their use during the present season.

As regards stray fishing-smacks, it appears, from the information of our authorities, that the Local Government have confined themselves hitherto to inserting in the "Royal Gazette" a Notice to the public reciting the provisions of section 34 of the "Merchant Shipping Act," which applies solely to registered English vessels; but stray fishing-smacks which are not registered escape the provisions thus cited, and their tonnage is therefore a matter of no importance. As Your Lordship is aware, my Government are of opinion that it would be to the common interest that all fishing-smacks, without exception, should be compelled to carry a distinctive mark. If, however, our wishes cannot at present be fulfilled in their entirety, still I think that I may count on more efficacious measures than those I have mentioned above. I rely in this connection on the promises which Your Lordship was good enough to give me, and which are contained in your above-mentioned note, on the supposition, moreover, that, at the date on which the information mentioned by me was sent to my Government, the instructions referred to by Your Lordship had not had time to reach the competent authorities.

I have, &c.
(Signed) WADDINGTON.

No. 149.

M. Waddington to the Marquis of Salisbury.—(Received June 26.)

M. le Marquis, *Londres, le 22 Juin,* 1889.

VOTRE Seigneurie a bien voulu, par Sa lettre du 28 Mars dernier, me faire connaître les vues du Gouvernement de Sa Majesté la Reine relativement aux usines de préparation de conserves de homards établies par le Sieur Shearer sur la côte ouest de Terre-Neuve, et par Sa lettre du 15 Avril* répondre aux réclamations formulées par mon Gouvernement au nom du Capitaine Belin, dont les filets avaient été déchirés par les casiers du même Shearer. Je me permettrai de répondre à la fois à ces deux communications, qui sont connexes.

Dans la dernière de ces communications, Votre Seigneurie croit devoir contester la nature et l'origine de l'avarie pour laquelle nous demandons une réparation. D'après les renseignements fournis au Gouvernement de la Reine, les filets employés par le Sieur Belin auraient été reconnus si pourris qu'ils étaient impropres à l'usage de la pêche et que si ce capitaine les a effectivement fait servir dans le but qu'il allègue, ce ne peut avoir été qu'en vue de se procurer un prétexte à une réclamation; en conséquence, s'il y a eu dommage, il n'aurait pas seulement été accidentel mais il serait résulté du fait personnel de M. Belin.

En second lieu et d'une manière plus générale, dans Sa lettre du 28 Mai, Votre Seigneurie m'a fait connaître que le Gouvernement de la Reine ne saurait admettre que les privilèges qui nous sont garantis par les Traités sur la côte de Terre-Neuve fussent en aucune façon violés par le Sieur Shearer, et elle déclare ne pouvoir consentir à fermer les établissements de cet industriel.

Enfin, Votre Seigneurie ne croit pas devoir nous reconnaître le droit de pêcher le homard et d'en préparer des conserves sur la côte au moyen du genre d'installation dont nous avons fait usage dans ces dernières années.

* Not printed.

Bien que dans les diverses lettres que j'ai eu l'honneur de vous adresser dans le courant de l'année dernière au sujet de la pêche du homard et de la question Shearer, j'aie déjà fait connaître la manière de voir de mon Gouvernement et exposé les arguments sur lesquels elle s'appuie, je vous demanderai la permission de résumer ici les raisonnements qui justifient à mon avis d'une manière absolue nos revendications.

Sur le premier point, tout de fait, voici les renseignements complémentaires que le Commandant de notre station navale vient de fournir à mon Gouvernement. Dans l'opinion de cet officier supérieur, la réclamation du Capitaine Belin est parfaitement justifiée et s'appuie sur un dommage réel que lui a causé Shearer. Ce dernier, malgré des avertissements réitérés, encombrait de ses casiers l'anse de Gargamelle et les abords de l'Ile Keppel, où le capelan s'est présenté en abondance dans le courant du mois de Juin. La senne de Belin a été défoncée en débordant sur des casiers de fond Anglais qui étaient mouillés sur grappins et lestés de pierres; la déchirure présentait plusieurs mètres carrés de surface. Ce filet a été montré au Capitaine Hamond, à bord du "La Clocheterie." Ce dernier a déclaré, il est vrai, que le ret était pourri, et a réussi, en effet, à briser, sous un effort de traction, quelques mailles voisines de la brèche, mais sur l'observation du Commandant Humann que cette partie de la senne était déjà affaiblie par le raguage et le poids des casiers, et ne pouvait pas être prise comme terme de comparaison, l'expérience fut recommencée sur d'autres tronçons qui résistèrent. En fait, ce filet servait couramment à pêcher le capelan et Belin n'en avait pas d'autres sur place.

Il a été mis hors de service par les engins de Shearer, et Belin a subi un double dommage, en perdant sa senne d'abord, et ensuite en demeurant plusieurs jours dans l'impossibilité de pêcher sa boëtte.

Il paraît de toute évidence que la destruction d'un instrument de travail constitue au premier chef une "gêne" dans le sens des Traités. Une indemnité est donc due au Sieur Belin; j'en maintiens par suite la demande conformément aux instructions que j'ai reçues et je ne puis que repousser énergiquement l'accusation d'après laquelle un filet hors d'usage aurait été mouillé pour donner prétexte à plainte.

Quant à la légitimité de l'existence et du fonctionnement des établissements de Shearer, je ne puis que réitérer les arguments à mon avis irréfutables que j'ai déjà soumis à Votre Seigneurie. Le Gouvernement de la Reine n'ignore pas que le principe du Traité d'Utrecht était le partage de la côte de Terre-Neuve entre Anglais et Français pour l'exercice de la pêche; qu'en 1783 une partie de la dite côte, celle comprise entre les Caps Bonavista et Saint-Jean, se trouvant en fait exploitée par les deux nations, on conclut, pour compléter la séparation et assurer l'accord, une Convention complémentaire qui attribue cette partie aux Anglais, et en échange, donne aux Français la partie comprise entre la Pointe Riche et le Cap Raye; qu'une déclaration du Roi Georges formant annexe à cet Acte, porte l'engagement que tous les établissements sédentaires formés sur le "French Shore" seraient retirés; que d'autre part, cette même déclaration énonce que Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent, en aucune manière par leur concurrence, la pêche des Français et ne les molestent aucunement durant leurs pêches; qu'enfin elle ajoute, en ce qui concerne la conduite des pêcheurs des deux nations sur le "French Shore," qu'on ne contreviendra ni d'une part ni de l'autre aux usages antérieurs. Or, n'est-il point exact que les usines Shearer sont construites sur le "French Shore" c'est-à-dire là où il ne peut y avoir aucun établissement appartenant à des Anglais? N'est-il pas vrai aussi que le Sieur Shearer s'abrite derrière les franchises du "French Shore" pour se refuser à exécuter la réglementation Anglaise sur la conservation des fonds de pêche, couvre de ses casiers à homard une région étendue où nos pêcheurs ne peuvent plus suivre les migrations du capelan et de la morue sans s'exposer à détruire les instruments de travail? Cela étant, comment pourrait-on considérer que le Sieur Shearer se conforme aux Traités et ne viole pas nos droits?

Sur le troisième point, c'est-à-dire, en ce qui concerne notre droit de pêcher et de préparer le homard aussi bien que la morue, les communications de Votre Seigneurie ne paraissent point à mon sens détruire les raisons que nous avons déjà fait valoir. L'argumentation du Gouvernement de la Reine peut être résumée ainsi: Les crustacés ne sont pas des poissons dans le sens où l'ont entendu les Signataires du Traité d'Utrecht, et ce Traité lui-même en n'autorisant l'installation que des échaffauds et des cabanes usités pour la pêche de la morue se trouve sans application à l'égard des produits que l'on conserve par d'autres moyens que la sécherie. Mais interpréter ainsi le Traité de 1713 c'est assurément s'écarter de l'esprit de cet Acte International. Or, quand on lit l'Article XIII du Traité d'Utrecht, l'idée unique que l'on perçoit, c'est que la souveraineté de Terre-Neuve passe à la Couronne d'Angleterre, mais que pour l'exploitation des eaux, le littoral est partagé entre les deux nations, la partie au nord du Cap Bonavista et de la Pointe

Riche étant attribuée aux pêcheurs Français, et la partie au sud des mêmes promontoires formant le lot des pêcheurs Anglais.

Les mots "échaffauds," "cabanes," "sécher" employés dans l'Article, ne sont évidemment que des énonciations, des exemples tirés du fait présent; le principe de la Convention est dans l'interdiction imposée aux Français de prétendre quoi que ce soit, et en quelque temps que ce soit sur la dite île et les îles adjacentes, en tout ou en partie, d'y fortifier aucun lieu ni d'y établir aucune habitation en façon quelconque; en un mot, de prendre pied dans le pays ni d'y rien fonder de permanent qui puisse devenir une menace pour la souveraineté Anglaise. Voir une intention étroite dans les mots sécher, poisson, échaffauds, &c., qui se trouvent dans le membre de phrase suivant, c'est prêter aux négociateurs de l'époque des vues qu'ils ne pouvaient pas avoir, et dénaturer sûrement leurs préoccupations. Par conséquent, les hangars mobiles où nos capitaines font bouillir et mettent en boîtes les homards, hangars qui en fin de saison disparaissent bien plus complètement encore que les chauffauds ne sont pas plus dressés en violation des Traités que ne le sont ces chauffauds eux-mêmes. Leur caractère est la précarité, l'existence temporaire, l'affectation exclusive à la préparation des produits de pêche. Tout cela est l'exécution même des Traités. Il n'est pas inutile de rappeler qu'avant 1713, la côte de Terre-Neuve était chaque année le théâtre de luttes à main armée entre les équipages Français et Anglais, et, que c'est pour faire cesser cet état de choses, tout en laissant à la France le droit de pêche dans les parages de l'île, que l'on partagea la mer riveraine entre les deux nations, de manière à ce que chacune d'elles eût sa côte propre où ses sujets se trouveraient seuls. Personne n'eut l'idée à cette époque, d'établir en dehors de ce partage géographique, un second partage de caractère ichthyologique, en attribuant aux Français, sur le "French Shore," le monopole de la pêche des animaux à peau lisse ou à écailles, et en laissant aux Anglais la capture des animaux à coquille ou à carapace. Ce n'est pas l'accord qu'ils auraient assuré par ce moyen, mais au contraire, le désordre.

On ne le voit que trop aujourd'hui par les difficultés auxquelles donnent lieu les prétentions qu'il est de notre devoir de combattre. Ainsi que j'ai eu l'honneur de vous l'exposer dans mes précédentes lettres, et j'insiste de nouveau sur ce point, il n'est pas possible que sur les mêmes lieux, les deux pêches de la morue et de l'appât par les Français, du homard par les Anglais, s'exercent parallèlement. Il faut que l'on cède la place à l'autre; un fond garni de casiers à homards ne peut pas être exploité par la senne et une région qui pourvoit une homarderie est par cela même enlevée à la pêche ordinaire. C'est de cette incompatibilité qu'est né l'incident Belin-Shearer. Il faut, de deux choses l'une: ou bien admettre que notre droit privilégié de pêche s'étende suivant l'esprit du Traité d'Utrecht à toutes les espèces marines, ou bien reconnaître que le droit des sujets Anglais de pêcher et de préparer le homard renverse toutes les dispositions, et du Traité et de la Déclaration du Roi Georges, et supprime pratiquement tous nos droits.

Pour ces motifs, sur lesquels je me permets d'appeler de nouveau toute l'attention du Gouvernement de la Reine, le Cabinet de Paris croit devoir maintenir sa demande d'indemnité en faveur du Capitaine Belin et la suppression de l'usine Shearer établie en contravention des Traités. Nous ne pouvons que maintenir de même notre droit de pêcher et de préparer le homard sur le "French Shore" parce qu'il résulte de l'esprit du Traité d'Utrecht, ainsi que je crois l'avoir clairement rappelé plus haut.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, June* 22, 1889.

IN Your note of the 28th March last Your Lordship informed me of the views of Her Majesty's Government with regard to the lobster factories established by Mr. Shearer on the west coast of Newfoundland, and in your note of the 15th April Your Lordship replied to the claims put forward by my Government on behalf of Captain Belin, whose nets had been torn by the lobster pots of this very Mr. Shearer. I beg to reply to these two communications at the same time, as they are intimately connected.

In the latter of these communications Your Lordship contests the nature and origin of the damage for which we demand reparation. According to the information furnished to Her Majesty's Government, the nets used by M. Belin are alleged to have been so rotten that they were unfit for fishing purposes, and that if that gentleman employed them with the alleged object, it can only have been in order to have a pretext for a demand for compensation. If, therefore, any damage has been done, it is alleged, not only must it have been accidental, but it must have been the natural consequence of M. Belin's own action.

Secondly, in your note of the 28th March Your Lordship informed me that Her Majesty's Government could not admit that the privileges granted to us by the

Treaties on the Newfoundland coast had in any way been violated by Mr. Shearer, and Your Lordship declared that you could not consent to the closing of that gentleman's establishment.

Lastly, Your Lordship declines to recognize our right to fish for lobsters and to preserve them on the coast in establishments of the kind used by us for the last few years.

Although, in the several notes which I have had the honour to address to you in the course of last year on the subject of the lobster fishery and of Mr. Shearer's case, I have already stated the views of my Government and explained the reasons on which they are based, I beg leave now to recapitulate the arguments which, in my opinion, entirely justify our claims.

With regard to the first question, which is one of fact, the following additional information has been furnished to my Government by the Commander of our naval station. In the opinion of this officer of high rank, Captain Belin's claim is perfectly justified, and based on real damage caused by Mr. Shearer. The latter, in spite of repeated warnings, blocked with his lobster pots Gargamelle Cove and the approaches to Keppel Island, where capelin were abundant in the month of June. M. Belin's seine was torn on coming into contact with the English ground lobster pots, which were held by grapnels and weighted with stones; the portion torn was several square metres large. This net was shown on board the "Clocheteric" to Captain Hamond. The latter, it is true, declared that the net was rotten, and, indeed, succeeded, with some effort, in tearing several meshes close to the hole, but, on the remark of Captain Humann, that this part of the seine was already weakened by the friction and the weight of the lobster pots, and could not be taken as a fair standard, the experiment was renewed on other portions, which resisted. In fact, this net had been usually employed for the fishing of capelin, and Captain Belin had no other on the spot.

It was rendered unfit for use by Shearer's engines, and Belin had a double loss; first of all in the destruction of his seine, and secondly in being unable for several days to fish for bait.

It seems quite clear that the destruction of fishing implements constitutes *primâ facie* an "interruption" in the sense of the Treaties. An indemnity is, therefore, due to Captain Belin, and I must persist in the demand for such an indemnity, in accordance with the instructions which I have received. I cannot but energetically repudiate the charge that a net unfit for use had been employed as a pretext for putting forward a claim.

As to the right of Mr. Shearer to erect and work his factories, I can only repeat the arguments, in my opinion unanswerable, which I have already submitted to Your Lordship. Her Majesty's Government are aware that the principle of the Treaty of Utrecht was the partition of the Newfoundland coast between English and French for purposes of fishing; that in 1783, as it was found that a part of the said coast, namely, that extending from Cape Bonavista to Cape St. John, was being worked by both nations, a supplementary Convention, to complete the separation and assure harmony of working, was concluded, by which this part is given to the English, whilst, in exchange, the French received the part lying between Point Riche and Cape Ray; that a Declaration of King George annexed to this Convention engages that all fixed establishments on the "French Shore" should be withdrawn; that, on the other hand, the same Declaration states that His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and molesting them in any manner in their fishing operations; that, lastly, it adds, with regard to the action of the fishermen of both nations on the "French Shore," that previously existing customs shall not be infringed by either side. Now, is it not true that the Shearer factories are erected on the "French Shore," that is, on a spot where there should be no establishment belonging to an Englishman? Is it not equally true that Mr. Shearer shelters himself behind the privileges of the "French Shore" in order to refuse to conform to the English Regulations as to the preservation of fishing grounds, and covers with his lobster pots an extended ground whereon fishermen can no longer follow the migrations of the capelin and the cod without exposing themselves to the risk of having their fishing implements destroyed? This being the case, how can it be said that Mr. Shearer conforms to the Treaties, and does not violate our rights?

As regards the third point, that is to say, our right to fish for, and preserve, lobsters as well as cod, Your Lordship's communications do not appear to me to answer the arguments which I have already put forward. The reasoning of Her Majesty's Government might be summed up as follows: Crustaceans are not fish in

the sense understood by the Signatories of the Treaty of Utrecht, and as this Treaty itself authorizes the establishment of such scaffolds and huts only as are used for cod-fishing, it does not apply to produce which is preserved by processes other than drying. But to interpret in this manner the Treaty of 1713 is surely to depart from the spirit of this International Act. In reading Article XIII of the Treaty of Utrecht, the one prominent idea is that the sovereignty of Newfoundland passes to the English Crown, but that, as regards the working of the fisheries, the coast is divided between the two nations, the part north of Cape Bonavista and of Point Riche being given to the French fishermen, and the part south of those promontories to the English.

The words "scaffolds," "huts," "drying," used in the Article are only words drawn from the then existing state of affairs; the principle of the Convention lies in the prohibition imposed on the French not to lay claim at any time to any right to the said island and adjacent islands, or any part thereof, or to fortify any place, or to erect any dwelling-places there whatever; in a word, not to acquire a footing in the country, nor to make any permanent establishment which might threaten the English sovereignty. To see a narrow intention in the words "dry," "fish," "scaffolds," which occur in the paragraph following this, is to credit the negotiators of the time with views which they could not have had, and to distort absolutely what must have been in their mind. The movable sheds, therefore, in which our captains boil and can the lobsters, sheds which at the end of the season disappear much more completely than the drying establishments, are no more erected in defiance of Treaty stipulations than the drying establishments themselves. Their nature is precarious, their existence temporary, their object exclusively the preservation of the produce of the fisheries. All this is only the carrying out of the Treaties. It will be remembered that before 1713 the Newfoundland coast was every year the scene of armed struggles between the French and English crews, and that it was in order to put an end to this state of things, whilst leaving France the right to fish in the waters of the island, that the coastal waters were divided between the two nations, so that each had its proper coast where its subjects would be undisturbed. Nobody at that time had any idea of establishing, in addition to this geographical partition, a second division of an ichthyological character, in assigning to the French, on the "French Shore," the monopoly of fishing for smooth-skinned or scaly animals, and leaving to the English the right to catch shell-fish and crustaceans. This would have brought about not harmony, but, on the contrary, disorder.

This is but too evident from the difficulties arising out of the pretensions which it is our duty to oppose. As I have had the honour to explain in my previous letters (and I again call attention to this point), it is impossible that the fishing for cod and bait by the French, and for lobsters by the English, should be carried on concurrently on the same spot. One must give way to the other; a fishing ground covered with lobster pots cannot be used for net fishing, and ground which supplies a lobster factory is by that fact alone rendered useless for ordinary fishing. It is out of this incompatibility that the Belin-Shearer incident has arisen. One of two things: either it must be admitted that our rights of fishing extend, in accordance with the spirit of the Treaty of Utrecht, to all marine species, or it must be recognized that the right of British subjects to fish for and preserve lobsters overrules all the provisions of the Treaty, as well as of the Declaration of King George, and practically nullifies all our rights.

For these reasons, to which I beg leave again to call the careful attention of Her Majesty's Government, the Paris Cabinet must maintain their demand for an indemnity in favour of Captain Belin, and for the suppression of the Shearer factory established in violation of the Treaties. We cannot but maintain also our right to fish for, and preserve, lobsters on the "French Shore," because it is in accordance with the spirit of the Treaty of Utrecht, as I believe I have clearly shown above.

I have, &c.
(Signed) WADDINGTON.

No. 150.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, July* 9, 1889.

IN the note which I had the honour of addressing to your Excellency on the 28th March last, relative to the question of the lobster fishery in the waters of Newfoundland, I stated that I proposed to address to you a further communication in reply to the observations contained in your note of the 7th December on the general subject of the Newfoundland fisheries.

The note in question treats of the claim of Messrs. Dupuis-Robial and Besnier for compensation on account of the diminution of their catch of fish, which they attribute directly to the use of cod-traps by British fishermen.

In my note of the 24th August, 1887, relative to this claim, I had stated that the right of fishery conferred on the French citizens by the Treaty of Utrecht did not take away, but only restricted during a certain portion of the year and on certain parts of the coast, the British right of fishery inherent in the sovereignty of the island. And in my subsequent note of the 28th July last I observed that the right of British subjects to fish concurrently with French citizens has never been surrendered, though the British fishermen are prohibited by the second paragraph of the Declaration of Versailles from interrupting in any manner by their competition the fishery of the French during the temporary exercise of it which is granted to them.

In your note of the 7th December your Excellency meets these arguments by asserting that the French had always had the exclusive right of fishery in virtue of their sovereignty over Newfoundland. That when that sovereignty was transferred to England by the Treaty of Utrecht, the right of fishery reserved to subjects of the King of France on a portion of the coast necessarily remained an exclusive right in the absence of any express provision to the contrary. Further, that in the negotiations at Versailles in 1782-83 the English negotiators, by an appeal to the moderation of the Court of Versailles, succeeded in obtaining, not any admission of a concurrent right of fishery, but an abandonment by France of fishing rights on part of the coasts on which British subjects had encroached, in exchange for exactly similar rights on an equivalent portion of the coast elsewhere. That in the negotiations for the Peace of Amiens of 1802 the Cabinet of Paris had thought it would be desirable to establish the French right to exclusive fishery by a modification of Article XIII of the Treaty of Utrecht, but that Mr. Fox did not consider such an amendment opportune, and urged that it would be sufficient to return purely and simply to the text of 1783, as the British Government had never questioned the French right to exclusive fishery.

This train of reasoning presents a historical view of the subject which is entirely at variance with the information in the possession of Her Majesty's Government. I have thought it would contribute to the elucidation of the subject that the several points which I have briefly recapitulated above should be examined in detail by the light of the authentic records at the disposal of this Department and the Colonial Office, and the result of this examination has been embodied in a Memorandum of which I inclose copies, and to which I request your Excellency's attention.

You will find what appears to Her Majesty's Government to be indisputable evidence that the sovereignty of Newfoundland has from the earliest times belonged to the British Crown, and that the interests of France were limited to the possession of Placentia, and to temporary occupancy by conquest or settlement of certain portions of the adjacent coast. All these interests were abandoned by the Treaty of Utrecht, which stipulated that no claim of right should ever henceforward be advanced on behalf of France, and that it should be allowed to her subjects to catch fish and dry them only on land on a certain specified portion of the coast. The concurrent right of British subjects to fish off this part of the coast was undoubtedly asserted and put in practice subsequent to the Treaty, and not later than 1766, and a short time afterwards it began to give rise to repeated complaints from the French Government, not on the ground that it was in itself contrary to the Treaty, but because of the manner in which it was exercised, which was said in many cases practically to derogate from and annul the liberty of fishery accorded to the French. The arrangements made at Versailles in 1783 were not obtained by appeals to the moderation of the French Government with the view of obtaining concurrent rights of fishery for British subjects, but were the outcome of negotiations in which the French Plenipotentiary endeavoured, but unsuccessfully, to obtain the explicit concession of an exclusive right of fishery for the French.

It is no doubt by an accidental error merely that Mr. Fox, who was Secretary of State during the latter portion of these negotiations, is mentioned by your Excellency as having given certain assurances during the later negotiations for the Treaty of Amiens in 1802, when he was not a member of the Government. But I have been unable to discover, either in the instructions of Lord Hawkesbury in this latter period, or in the Reports of Lord Cornwallis, who was the British Plenipotentiary, any indication that either of them gave any assurance whatever that the British Government had never questioned the exclusive character of the right of fishery accorded to the French under the Treaty of Utrecht. Such a statement on their part would indeed have been in absolute contradiction to the facts.

The question therefore hinges mainly on the interpretation to be given to the arrange-

ments made at Versailles in 1783, and on this point I must be permitted to invite special attention to paragraphs 29–38 of the Memorandum which I have the honour to inclose, and to refer your Excellency to Lord Palmerston's note to Count Sebastiani of the 10th July, 1838, of which your Excellency has only quoted a small, and that, as it seems to me, the least significant, portion.

For you will find, on reference to the original, that certain words have been omitted, in making the extract, which materially alter the sense, and that the privilege which, as Lord Palmerston states, "has, in practice, been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits," is described by him as "a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish;" while in the very next sentence Lord Palmerston goes on to say that "the British Government has never understood the Declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French cod fishery." A perusal of this passage of the preceding paragraph, and of those which succeed it, showing the grounds on which Lord Palmerston based his conclusion, will, I think, convince your Excellency that the arguments advanced in my previous communications are in consonance with the views which have always been expressed by Her Majesty's Government.

To turn to the more immediate object of this correspondence, the question of the injury said to be caused to the French fishery by the use of cod-traps by British fishermen, I have already had the honour of informing your Excellency that, pending the enforcement of the Act which has been passed by the Colonial Legislature for the entire suppression of these traps, special instructions have been issued to the British naval authorities which Her Majesty's Government trust will be effectual in preventing any undue interference by such engines with the fishery of French citizens. In this and in all other respects it is the earnest wish of Her Majesty's Government to do all in their power to insure the enjoyment by the French fishermen of the rights given to them under the Treaty and Declaration of 1783.

But I can only repeat that the claims preferred on account of Messrs. Dupuis-Robial and Besnier do not appear to Her Majesty's Government to be such as they can consent to entertain. These claims rest virtually on the fact that the amount of fish caught by the complainants was considerably below the average of former seasons, that they believe from hearsay evidence that British fishermen who used cod-traps in the vicinity were more successful, and that they attribute their own want of success to this cause, as they do not know to what else it could be attributable. It is admitted by some of the deponents that they did not even apply to the British naval officers for the removal of any of the traps, as they did not think it would be of any use; by others that they did so apply, and that the traps were removed, though they assert that these were afterwards replaced, when apparently they took no further steps.

Her Majesty's Government have every wish that the assurances contained in the Declaration of 1783 should be punctually and completely fulfilled, but they cannot admit that there is anything in those assurances, however liberally they may be construed, which should involve liability for such a claim.

I have, &c.
(Signed) SALISBURY.

Inclosure in No. 150.

Memorandum.

THE French Ambassador, in his note dated the 7th December, 1888, reaffirms the French contention as to the exclusive character of the right of fishery enjoyed by French citizens on part of the Newfoundland coast, and again urges the claim for compensation preferred by Messrs. Dupuis-Robial and Besnier on account of the damage said to have been sustained by them through the use of cod-traps.

2. M. Waddington expresses surprise that Her Majesty's Government have now for the first time asserted the essential right of British fishermen to fish by the side of French subjects, and have alleged that this right has never been surrendered, and the French Ambassador assumes that this doctrine is based upon the silence of Article XIII of the Treaty of Utrecht. His Excellency also states that "le Traité (of Utrecht) laissait subsister pleinement quant à la pêche l'état de choses antérieur à 1713, c'est-à-dire, l'état en vigueur alors que les Français exerçaient la souveraineté territoriale. La France conservait le droit exclusif de pêche puisqu'elle l'avait toujours eu," and he further alleges that his "Gouvernement était donc fondé à croire . . . . . que le droit de la

France sur la côte de l'Ile de Terre-Neuve réservée à ses pêcheurs n'est autre chose qu'une partie de son ancienne souveraineté sur l'île qu'elle a retenue en cédant le sol à l'Angleterre, mais qu'elle n'a jamais ni infirmé ni aliéné."

I.—*State of Affairs prior to the Treaty of Utrecht.*

3. M. Waddington asserts that France retained ("conservait") the exclusive right of fishing, since she had always had it ("l'avait toujours eu"). But this cannot be a correct statement, for it appears that in the reign of King Charles I, and during the Commonwealth, if not to a later date also, the French were required to pay to England a tribute or tax of 5 per cent. for the privilege of fishing at Newfoundland, and of drying fish on the shore of the island.

4. He also asserts that the French right of fishing is part of the ancient sovereignty of France over the island, which she retained when ceding the soil to England, but which she has never weakened or alienated. It is evident that this statement also is inaccurate, for the history of Newfoundland during the seventeenth century will be seen to be a record of repeated acts of dominion over the island exercised by England, who could not have accepted such a cession without thereby disavowing all her past acts.

5. It may be observed in passing (1) that if the present claim of exclusive fishing on the ground of ancient French sovereignty be disposed of, any argument for their exclusive fishing can only be based upon the terms of the Treaty; and (2) that the terms of that Treaty must be interpreted with reference to the existence of British sovereignty.

6. Her Majesty's Government are not aware that France ever possessed any recognized sovereignty over Newfoundland, and, as far as can be ascertained, this novel claim on the part of France is not only untenable in itself, but if inverted would be an accurate statement of the British rights. In order to dispose of this claim, it will be convenient to examine the state of things that actually existed prior to the Treaty of Utrecht.

7. Without going back to the title which England acquired to Newfoundland by right of prior discovery made by John Cabot in 1497, it may be observed that on the 5th August, 1583, Sir Humphrey Gilbert, acting under a Commission from the Queen of England, formally took possession of Newfoundland, on behalf of his Sovereign, in the presence of various persons, subjects of other nations, who happened to be there in pursuit of the fishery, and from whom he exacted tribute in acknowledgment of the Queen's rights.

See "Newfoundland," by Hatton and Harvey, 1883, p. 1

8. During the interval from 1583 to 1713 England exercised continued acts of dominion over Newfoundland; grants of land were made by the Crown to individuals; settlement was encouraged; Courts of Justice were held (the first as early as 1615); Commissions were issued, and Regulations made for the government of the island, and of the fishermen resorting to it, as well as of the settlers established there; and eventually, in 1698, an Act of Parliament was passed (10 & 11 Wm. III, cap. 25) applying to the whole island, and the seas, rivers, and dominions thereunto belonging, and islands adjacent; such Act being principally an enactment by the Imperial Legislature of the Rules, Regulations, and Constitutions that had prevailed for some time.

"Fishery Question," by Ch. Isham, 1883, p. 95. Hatton and Harvey, p. 27. Reeves' "History of Newfoundland, 1793 p. 31.

9. The first section of this Act enacted that "no alien or stranger whatsoever (not residing within the Kingdom of England, the Dominion of Wales, or town of Berwick-on-Tweed) should at any time thereafter take any bait or use any sort of trade or fishing whatsoever in Newfoundland, or in any of the islands or places above mentioned.

10. The British sovereignty, formally established in 1583, and duly and effectively exercised afterwards, was also, it appears, recognized by France. Hatton and Harvey, in their "History of Newfoundland," p. 38, state that in 1635 the French obtained permission from the English to dry fish on the shores of Newfoundland on payment of a duty of 5 per cent. of the produce, and that in 1675 Charles II was induced to relinquish the duty of 5 per cent., which had been paid as an acknowledgment of British sovereignty.

Hatton and Harvey, p. 38.

11. Anspach, in his "History of Newfoundland" (second edition, 1827, p. 112) says: "According to l'Abbé Raynel, France, after the Agreement made with King Charles I in 1634, sent annually her fishermen to Newfoundland, where they fished only on the northern part which they called Le Petit Nord, and on the southern point, where they had formed a kind of town upon the Bay of Placentia, which united all the conveniences that could be desired for a successful fishery." He adds at p. 93: "In the year 1675 the French King prevailed upon Charles II to give up the duty of 5 per cent."

12. It is also stated at paragraph 1666 of the published Calendar of State Papers, Colonial, America, and West Indies, 1661-68, that "from the first discovery of Newfoundland in 1496 till the Treaty of 1632 the French were not permitted to fish at Newfound-

land or in any place on the main in America, but after that Treaty the French trading to Canada and Acadia presumed to make dry fish on Newfoundland; for prevention whereof Sir David Kirke was sent there Governor, in whose time every French ship trading or making dry fish there was forced to pay 5 or 10 per cent.; and in time of the late rebellion they were compelled to do the like."

13. Further, it is certain that in 1637, by letters patent dated 13th November of that year, "the whole continent, island, and region" of Newfoundland was granted in fee to the Marquis of Hamilton, the Earl of Pembroke, the Earl of Holland, and Sir David Kirke, and "that all other Kings, Princes, and Potentates, their heirs, allies, and subjects, may know our (the King's) just and undoubted right and interest in and to the said continent, island, and region of Newfoundland, and in and to all and every the islands, seas, and places to the same belonging," it was declared that there are to be levied from all strangers that make use of any part of the shore for drying fish "five fishes out of every hundred fish in the seas, rivers, or places aforesaid to be had or taken." The grantees were enjoined to see to the collection of this tribute, from which British subjects were exempt, being expressly given "free and ample liberty of fishing."

14. There is, in the published Calendar of State Papers, Domestic, under date the 16th May, 1639, a letter from Secretary Coke to Secretary Windebank, stating that the French Ambassador (M. Pomponne de Bellièvre, Seigneur de Grignon) had complained of an imposition laid on strangers by Sir David Kirke for fishing at Newfoundland. "A firm but fair answer is be given, and the impositions laid by the French on the English merchants considered in justification."

15. The following is an extract from this letter of the French Ambassador, dated the 9th (19th) May, 1639:—

"L'on m'a aussi donné avis que les nommer (*sic*) Kerg avoient une patente du Roy de la G. B. pour lever quelque chose sur la pesche des morües, ce qu'ils se proposent de prendre non seulement sur les sujets du Roy de la G. B., mais generalement sur tous ceux qui irant pour faire cette pesche, ce qui seroit contraire à tout droit et à la liberté avec laquelle on en a usé jusques icy, ce qui fait que je m'imagine que le Roy de la G. B. ne l'entend pas ainsy et que personne autre que ses sujets ne se resoudra à le souffrir."

To which letter the following answer was returned, dated Newcastle, 26th (16th) May, 1639:—

J'ay communiqué la vostre au Roy mon maistre, et vous en rends cette gracieuse responce sur chaque point." Then, after referring to various other matters, the following reply is made to the French Ambassador's representations on the Fisheries question, quoted above:—

"Cuant a vostre derniere plainte, faite contre Kerg, pour lever quelque chose sur les estrangers pour la pesche en Terre Neufve; S. M. ne sçait pas, en particulier, ce qui s'y est passé; c'est pourquoy elle vous en remet à son Conseil d'Estat demeurants à Londres pour y faire vostre remonstrance et recevoir la responce. Se promettant quant & quant de vous une bonne responce sur la plainte que mon collegue vous aura representée, de la nouvelle levée faite en France sur nos marchans, en contravention des Traités, & qui semble porter une intention absolue de rompre ceste bonne intelligence que S. M. garde toujours soigneusement, & pour la conservation de laquelle ses Ministres travaillent incessamment."

16. There is no doubt that subsequently, in 1662 (published Calendar of State Papers, Colonial, 1661-68, paragraphs 1729-32), shortly after the restoration of the Monarchy in England, the French, taking advantage of the English Government being fully occupied at home, proceeded, although the two countries were at peace, to fortify themselves at Placentia, to drive out the English settlers, and to issue Commissions to Governors purporting to exercise sovereignty over the whole of Newfoundland.

17. In 1666 and 1667 the French, who were then at war with England, strengthened their hold upon Placentia and the neighbouring coasts (Calendar of State Papers, paragraphs 1729-30; and it is stated by Hatton and Harvey, p. 39, that at one time they had established their dominion over a territory of 200 miles in extent. But this episode of the conflict was annulled, so far as any sovereign rights were involved, by Article XII of the Treaty of Peace concluded between Great Britain and France at Breda on the 21st July, 1667, in which the Most Christian King engaged to restore to the King of Great Britain all the islands, countries, fortresses, and Colonies which might have been conquered by the arms of the Most Christian King before or after the signing of that Treaty.

18. As proof of the continued and uninterrupted assertion of English dominion, it may be pointed out that King Charles II, on the 12th January, 1661, issued letters patent reciting the letters patent of 1637, and granting additional powers for regulating the Newfoundland fishery; and that on the 10th March, 1670, he made an Order in

Council containing additional Regulations for the government of the fishery in Newfoundland, of which the 1st Article authorizes English subjects to fish in all waters, and to dry their fish on shore in any part of Newfoundland, as fully and freely as any of the subjects "of His Majesty's Royal predecessors," and of which the 2nd Article declares "That no alien or stranger be permitted to take bait, or fish in any of the rivers, lakes, creeks, harbours, or roads in Newfoundland between Cape Race or Cape Bona Vista, or in any of the islands thereunto adjoining."

19. The French had, it will be seen, forcibly possessed themselves of parts of the English Island of Newfoundland in time of peace, which they continued to hold, but without permission from England.

In any case, such possession was not considered as implying an admission of French sovereignty over any portion of the island, for, on the outbreak of hostilities after the accession of William III, the King, in his declaration of war, 7th May, 1689, stated:—

"It is not long since the French took licences from the English Governor of Newfoundland to fish in the seas upon that coast, and paid a tribute for such licences as an acknowledgment of the sole right of the Crown of England to that island; and yet of late the encroachments of the French upon our said island, and our subjects' trade and fishery, have been more like the invasions of an enemy than becoming friends, who enjoyed the advantages of that trade only by permission."

20. It is believed that after the Treaty of Ryswick, by which that war was terminated in 1697, but in which Newfoundland is not named, while it specifically deals with places in Hudson's Bay which were to be left in possession of the French, the French retained possession of Placentia and any other places occupied by French subjects; but that no acknowledgment of French sovereignty can be inferred from such circumstance is abundantly proved by the fact that the English Parliament in the following year, 1698, passed the Act, which has been before referred to (paragraph 8), applying to the whole of Newfoundland, and forbidding aliens to fish or trade. It is difficult to imagine any more formal assertion of the sovereignty of the English Crown.

II.—*Language of the Treaty of Utrecht.*

21. The documents cited above effectively dispose of any supposed admission of French dominion prior to the Treaty of Utrecht. The language employed in that Treaty will be found to be such as to confirm the absence of any such previous admission, and, even if any admission of the kind had been made, to render it absolutely nugatory.

22. It will be found that in the Preliminary Treaty signed at London on the 8th October, 1711, the VIIth Article runs thus: "L'Ile de Terre-Neuve, la Baie et le Détroit de Hudson seront rendus à l'Angleterre," thus placing Newfoundland on the same footing as places where British sovereignty had unquestionably existed, but which, having been captured by the French, and subsequently recaptured by the English, had again been placed in possession of the French by the Treaty of Ryswick.

De Koch's "Histoire Abrégée des Traités de Paix," by F. Schoell, Paris, 1817.

23. The language of the Treaty of Utrecht follows the same classification as the Preliminary Treaty. The Xth Article of the Treaty simply provides for the restoration to England, to be possessed in full right for ever, of the Bay and Straits of Hudson, with all lands, &c., belonging thereunto, "which are at present possessed by the subjects of France." While in the XIIth Article, however, it is stipulated that the French King shall deliver solemn and authentic instruments, from which it shall appear "that certain islands and places which had previously been French," together with the "'dominion,' propriety, and possession" thereof, "and all right whatsoever by Treaties or by any other way obtained by the Crown of France or its subjects, are yielded and made over to the Queen of Great Britain, and in such ample manner and form that the French shall thereafter be excluded from all kind of fishing on the coast of Nova Scotia." Thus, British territory previously seized by France, and left to her by Treaty, is "restored;" while territory, of which the previous dominion of France was not disputed, is ceded by the words, "yielded and made over," and the cession is to be evidenced by solemn and authentic instruments.

Chalmers' Treaties, vol. i, p. 378.

24. But the XIIIth Article, which treats of Newfoundland, follows rather the model of the Xth than of the XIIth Article. There is no question of instruments of transfer, and no mention is made of the dominion of France in regard to Newfoundland; but only that Newfoundland, with the islands adjacent, "shall from this time forward belong of right wholly to Britain" ("appartiendra désormais et absolument à la Grande-Bretagne"), and to that end Placentia and whatever other places are in possession of the French "shall be yielded and given up" ("et à cette fin le Roi Très Chrétien fera remettre à ceux qui se trouverent à ce commis en ce pays là dans l'espace de sept mois à compter du jour de l'échange des ratifications de ce Traité ou plus tôt si faire ce peut, la ville et le fort de

Plaisance, et autres lieux que les Français pourraient encore posséder dans la dite île") ; and the French King, his successors and subjects, shall not "lay claim to any right to the said island or islands, or to any part of it or them" ("sans que le dit Roy Très Chrétien, ses héritiers et successeurs, ou quelques-uns de ses sujets, puissent désormais prétendre quoyque ce soit et en tel temps que ce soit, sur la dite Isle et les Isles adjacentes en tout ou en partie"). This is the language of withdrawing a claim, not of ceding the dominion of a territory ; the renunciation of all rights is absolute, and even more emphatic in the French ratification than in the English version of the Treaty ; and it may further be noted that this Article proves that the French at that time only claimed to be in possession of Placentia and other unnamed places, not of the whole island, of which M. Waddington now claims that they had the sovereignty.

25. Her Majesty's Government consider that the XIIIth Article must be read as an admission of the title previously existing in England, including control of the fishery in territorial waters; so that when the Article proceeds to deal with fishery by the French, it employs apt words of concession by the Sovereign Power; "*it shall be allowed* to the subjects of France to catch fish, and to dry them on land, in that part only and in no other besides that," &c. This is the language of concession on the part of England, not of reservation on the part of France ; and it seems clear that, under the Treaty, French fishermen only obtained the privilege of fishing side by side with British subjects, whose right was derived not from Treaty, but from the British sovereignty, which had then existed for exactly 130 years.

26. This is the natural and common-sense construction of the Article, while the French contention can only be accepted on the supposition that the framers of the Treaty, who used precise and accurate language for the cession effected by the XIIth Article, used vague and indefinite language for the cession effected by the XIIIth. But it seems incredible that writers who so carefully excluded the French from the fisheries of Nova Scotia should not have thought it necessary to be equally careful (if that had been their meaning) to exclude the English from fishing on part of the coasts of Newfoundland, especially as they had previously declared the whole island to belong of right to England, a declaration which, according to public law, would necessarily include the territorial waters of the whole.

27. Again, during the negotiations at Utrecht, Spain laid claim to fish as of right in the waters of Newfoundland, and the Treaty between England and Spain contains an express renunciation of such claim. If the French had really had or retained any sovereignty in those waters, the renunciation by Spain would more properly have been given to France instead of to England ; and its presence in the English Treaty furnishes additional evidence against the present claim of France.

28. But it is in reality unnecessary to go further than the text of the Article itself. It assured to Great Britain the complete dominion of Newfoundland, with the adjacent islands, and it would have been absurd to state that the subjects of the Power possessing the sovereignty of the island should have the right to fish in its territorial waters. If any such stipulation had been necessary in regard to fishery, it would have been equally necessary to insert every other elementary right which sovereignty carries with it. Moreover, the Article contained a most absolute renunciation for the future of all rights on the part of France. And, accordingly, in the Treaty of Paris of 1763 (Article V) the French fishery is spoken of not as a *right* but as a *liberty* : "Les sujets de la France auront la liberté de la pêche et de la sécherie, sur une partie des côtes de l'Ile de Terre-Neuve, telle qu'elle est spécifiée par l'Article XIII du Traité d'Utrecht, lequel Article est renouvelé et confirmé par le présent Traité, à l'exception de ce qui concerne l'Ile du Cap Breton, &c."

III.—*State of Affairs subsequent to the Treaty of Utrecht.*

29. As a matter of fact, there can be no doubt whatever that the concurrent right of fishery by British and French subjects was exercised in the interval between the Treaty of Utrecht and the negotiations of Versailles, inasmuch as, from 1769 onwards, the method of its exercise gave rise to frequent complaints on the part of the French Government. They urged that by permanent fishing establishments formed by British subjects along the shore the French were practically ousted from the enjoyment of the liberty conceded to them. It appears on reference to the discussions which took place on this subject in 1776 (at a time when the British Government were particularly anxious not to give France any unnecessary cause of offence), that after M. de Guines, the French Ambassador in London, had made a proposal for exclusive rights of fishery which the British Government had felt compelled to reject, Lord Stormont, then British Ambassador at Paris, was instructed to treat the matter with the Comte de Vergennes. The latter, in the conversations which

followed, frankly admitted that the Treaty of Utrecht gave to Great Britain the full sovereignty over the island: he said that to contend that the Treaty gave to France an exclusive right of fishery would be to put on it a strained construction; but he laid down the principle that Treaty stipulations should be liberally interpreted, and that the rights of fishery conceded to the French on certain portions of the shore should not be annulled in practice by prior occupation on the part of British fishermen.

30. The English Ambassador, on his side, explained that it was impossible for his Government to order the removal of the sedentary British establishments (to which, however, they were in principle as much opposed as the French), because these had existed prior to the Treaty of Utrecht, as appeared by a Charter granted by the English Crown in 1610. He pointed out that the French system of bounties, which gave their fishermen a favoured position as compared with the British, lay at the root of most of the trouble that had arisen. At the same time, he communicated a copy of fresh Royal instructions to the Governor of the Colony "to use his utmost vigilance and authority to prevent our subjects from taking any exclusive possession whatever, as private property, of any lands, rivers, or islands in the northern parts of Newfoundland between Bonavista and Point Riche, or from making any settlements or forming any establishments there, which may in any degree have the consequence to prejudice the fisheries of the subjects of France, ... or to render ineffectual the instructions that ships of both nations should choose their stations as they respectively arrive."

These instructions were accepted by the Comte de Vergennes as satisfactory.

IV.—*Negotiations of Versailles*, 1782.

31. It would seem, further, that the reference by M. Waddington to the negotiations of 1782 is inaccurate. His Excellency states: "Les négociateurs Anglais . . . . . firent appel aux sentiments de modération de la Cour de Versailles, et sans obtenir rien qui ressemblât à un droit concurrent, obtinrent que la France renoncerait à la partie des côtes envahies et accepterait en dédommagement une étendue équivalente de territoire riverain à exploiter," &c.

32. This statement of the case is not in any way borne out by the text of the communications which passed. The first formal proposal came from M. de Vergennes in a note dated the 6th October, 1782, and runs as follows:—

"La concurrence entre les pêcheurs Français et Anglais aiant été une source intarissable de discussions et de querelles, le Roi pense que le moyen le plus sûr de les prévenir est de séparer les pêcheries respectives: en conséquence Sa Majesté consent à se désister du droit de pêche qui lui est acquis en vertu de l'Article XIII du Traité d'Utrecht, depuis le Cap de Bona Vista jusqu'au Cap Saint-Jean, à condition que ses sujets pêcheront seuls à l'exclusion des Anglais, depuis le Cap Saint-Jean en passant par le nord et le Cap Ray, &c."

33. The English Government, in a note dated the 24th October, declined to concede this exclusive right.

34. They objected to an Article in the Preliminaries of Peace which, without actually mentioning an exclusive right of fishery, was explained as intended to establish that right, and they only agreed to the insertion of an Article in the following words:—

Article V. "Les Pescheurs François jouiront de la pesche qui leur est assignée par l'Article précédent, comme ils ont droit d'en jouir en vertu du Traité d'Utrecht."

35. At the same time, however, Mr. Fitzherbert, the British Plenipotentiary, delivered to the French Government a note in the terms of the eventual Declaration of the 3rd September, 1783, promising that His Britannic Majesty would take the most positive measures "pour prévenir que ses sujets ne troublent en aucune manière la pêche des François pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

36. The words "par leur concurrence" were subsequently added to this Declaration, at the instance of M. de Vergennes, in the course of the negotiations for the Definitive Treaty of Peace.

37. On the 18th June, 1783, the British Ambassador sent home the draft of the French Counter-Declaration, which contained these words: "Quant à la pêche exclusive sur les côtes de Terre-Neuve qui a été l'objet des nouveaux arrangements dont les deux Souverains sont convenus sur cette matière elle est suffisamment exprimée par l'Article du Traité de Paix signé aujourd'hui, et par la Déclaration remise également ce jourd'hui par l'Ambassadeur et Plénipotentiaire de Sa Majesté Britannique, et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard."

38. The Duke of Manchester was thereupon instructed, if he could not obtain the

omission of the word "exclusive" to make another Declaration upon the French Counter-Declaration, protesting that the King of England did not mean to grant *exclusive* fishery any otherwise than by ordering his subjects not to *molest by concurrence*, &c.

39. The Duke reported that the French Minister had been persuaded to omit the word "exclusive" in the Counter-Declaration, which would render another Declaration from the British Plenipotentiary unnecessary.

V.—*Negotiations of* 1801-02.

40. M. Waddington alludes to a proposal made by the Cabinet of Paris in 1802, that the exclusive rights of France should be established by a modification of Article XIII of the Treaty of Utrecht, and states that "Le Ministre Fox avoua qu'il ne reconnaissait pas l'opportunité de recourir à cet amendement, et qu'il suffisait de revenir purement et simplement au texte de 1783, qui confirmait dans toute leur force les droits d'Utrecht, le Gouvernement Britannique n'ayant jamais mis en doute le droit d'exclusivité de pêche en notre faveur."

41. There must obviously be some mistake about this, for Mr. Fox was not at the time in office. Mr. Addington was Prime Minister, and Lord Hawkesbury was Foreign Secretary. The Preliminaries of Peace were agreed upon in London between Lord Hawkesbury and M. Otto, and the negotiations for the Definitive Treaty were conducted at first at Paris, and subsequently at Amiens, between Lord Cornwallis and M. Joseph Buonaparte.

42. On the 26th November, 1801, Lord Cornwallis reported that on the XIIIth Article of the Preliminaries of Peace, "M. Buonaparte observed that they wished for some adjustment about the fisheries, to which I replied that I was not sufficiently conversant in that business to enter into particulars, and could only at present say that it was a matter in which the British Government must act with the utmost caution, as any improvident cession in that Article would create a most violent clamour, and be attended with very disagreeable consequences."

43. In the instructions sent to Lord Cornwallis in reply, Lord Hawkesbury observed: "With regard to what Joseph Buonaparte stated to your Lordship on the subject of the fisheries on the Banks of Newfoundland and in the Gulf of St. Lawrence, I have to inform you that, from the representations of the different bodies interested in those fisheries, it appears to be scarcely possible to make any new concessions to France in this respect which could be considered as real benefits to that Power, and which would not be injurious to the interests of His Majesty's subjects who are engaged in this branch of commerce; and, indeed, Article XIII provides merely for the re-establishment of the fisheries on the footing on which they were previously to the commencement of the war, and appears to have no reference to any further arrangement than to such as, without altering the relative situation of the two parties, might contribute to the maintenance of peace in the fisheries as they now exist."

"Cornwallis to Hawkesbury," iii, 54.

44. A proposal made subsequently by the French Plenipotentiary at Amiens for the cession of a portion of Newfoundland in full sovereignty to France was positively refused by the British Government; and on the 13th February, 1802, Lord Cornwallis states in a private letter to Lord Hawkesbury: "The French Plenipotentiary seems determined to press for some further indulgences at Newfoundland, but I am too well apprised of the importance of those fisheries to make the smallest concessions without His Majesty's commands, and I have taken pains to discourage M. J. Buonaparte from entertaining any hopes that our Government can give way on that point."

VI.—*Subsequent Discussions.*

45. Lord Palmerston's note of the 10th July, 1838, to Comte Sebastiani, which is quoted in M. Waddington's note, distinctly denies the right of the French to an exclusive fishery under any Treaty engagement or documentary undertaking. His language is very clear on this point, and he shows that the Proclamations issued warning British subjects to leave the coast were so issued, not to prevent British fishermen from fishing, but in consequence of interruptions having been caused to French fishermen, and to prevent such interruptions.

46. The views expressed in Lord Salisbury's note to M. Waddington of the 24th August, 1887, are in accord with the general principles laid down in that note, and with the position constantly maintained by Her Majesty's Government, that the French have not an exclusive right of fishery under the Treaty engagements, and that the British have never given up their right to a concurrent fishery, although in exercising this right they are not to interrupt the French fishermen.

47. It is difficult to understand how it can be supposed that such a contention has now been advanced for the first time, whereas it has formed the basis of all action and argument on the part of Her Majesty's Government for the last 120 years. The first Law Officers' opinion, of the 30th May, 1835, quoted in M. Waddington's note, was, as his Excellency observes, modified on further consideration and on their being supplied with more detailed information. It was, in fact, given on a partial and defective statement of the case. The second Report, of the 13th April, 1837, which his Excellency also quotes, stated distinctly that, "if there were really good room within the limits of the district in question for the fishermen of both nations to fish without interfering with each other, then we do not think that this country would be bound to prevent her subjects from fishing there." It went on to say that "it appears from the Report of Admiral Sir H. P. Halkett that this is hardly practicable."

48. The same consideration is made the ground of the argument used in Mr. Labouchere's despatch of the 16th January, 1857, that whether the rights of the French were in strict logic exclusive or not, they were so in practice. But this would be a question of fact, and it must be remembered that Mr. Labouchere's despatch was written with the object of recommending to the acceptance of the Colony the Convention of 1857 for the settlement of the question. It was impossible for him to adopt the view now advanced in M. Waddington's note, that the Ist Article of the Convention was no more than a formal recognition of the ancient French rights. He did not deny—what was, in fact, unquestionable—that the Convention was an alteration of existing arrangements; but he sought to prove that the interests of the Colony would not in reality suffer by it. It was not, therefore, his purpose to define the strict rights of the British fishermen, so much as their practical position at the time: the tenour of his argument was that that position would not be injuriously affected by the Convention, and the language of his despatch is certainly not in all respects precise.

49. Such as the argument was, it undoubtedly did not recommend itself to the Colonial Legislature, which unanimously and unhesitatingly rejected the Arrangement. Whether that decision was wise or unwise is a question foreign to the present argument. But the mere fact that British fishermen have now for many years past fished in the waters on the west and north-east coasts of Newfoundland, without giving cause for complaint on the part of French fishermen, except in occasional instances, is to Her Majesty's Government evidence that there is room for the fishermen of both countries if proper precautions are taken. The arrangement has no doubt its inconveniences, but that it is possible is proved by the fact that it exists, and that, on the whole, the disputes which arise between the fishermen of the two countries are not considerable nor numerous.

Foreign Office, July 9, 1889.

Annex.

Viscount Palmerston to Count Sebastiani.

(Extract.) *Foreign Office, July* 10, 1838.

I NOW proceed to answer that part of your Excellency's note which relates to the conflicting opinions that are entertained as to the true interpretation of the Declaration annexed to the Treaty of the 3rd September, 1783, and in which your Excellency urges the British Government to disavow the claim of British subjects to a right of fishery upon the coast in question concurrent with the right of the subjects of France.

And in the first place I beg to observe that it does not appear to the British Government that either your Excellency's representation or that of your predecessor has shown that any specific grievance has been sustained by French subjects in consequence of the doubts which are said to be entertained upon this question, so as to prove that there is any pressing necessity for the call which the French Government makes in this respect upon that of Great Britain.

But the British Government is nevertheless willing to enter into an amicable examination of the matter, with a view to set those doubts at rest, although it is my duty to say that the British Government are not prepared, according to the view which they at present take of the matter, to concede the point in question.

The right of fishing on the coast of Newfoundland was assigned to French subjects by the King of Great Britain in the Treaty of Peace in 1783, to be enjoyed by them, "as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht."

But the right assigned to French subjects by the Treaty of Utrecht was "to catch fish and to dry them on land," within the district described in the said Treaty, subject to the condition not to "erect any buildings" upon the island "besides stages made of boards, and huts necessary and usual for drying of fish," and not to "resort to the said island beyond the time necessary for fishing or drying of fish."

A Declaration annexed to the Treaty of 1783, by which the right assigned to French subjects was renewed, contains an engagement that "in order that the fishermen of the two nations may not give a cause for daily quarrels, His Britannic Majesty would take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French during

the temporary exercise of it which was granted to them;" and that His Majesty would "for this purpose cause the fixed settlements which should be found there to be removed."

A Counter-Declaration stated that the King of France was satisfied with the arrangement concluded in the above terms.

The Treaty of Peace of 1814 declares that the French right "of fishery at Newfoundland is replaced upon the footing upon which it stood in 1792."

In order, therefore, to come to a right understanding of the question, it will be necessary to consider it with reference to historical facts, as well as with reference to the letter of the Declaration of 1783; and to ascertain what was the precise footing upon which the French fishery actually stood in 1792.

Now it is evident that specific evidence would be necessary in order to show that the construction which the French Government now desire to put upon the Declaration of 1783 is the interpretation which was given to that Declaration at the period when the Declaration was framed, and when the real intention of the parties must have been best known. It would be requisite for this purpose to prove that, upon the conclusion of the Treaty of 1783, French subjects actually entered upon the enjoyment of an exclusive right to catch fish in the waters off the coast in question; and that they were in the acknowledged enjoyment of the exercise of that right at the commencement of the war in 1792. But no evidence to such effect has yet been produced. It is not, indeed, asserted by your Excellency, nor was it contended by Prince Talleyrand in his note of 1831, to which your Excellency specially refers, that French subjects were, at the breaking out of the war in 1792, in the enjoyment of such an exclusive right. And, moreover, it does not appear that such right was claimed by France or admitted by England at the termination of the war in 1801 or at the Peace of 1814.

It is true that the privilege secured to the fishermen of France by the Treaty and Declaration of 1783, a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish, has, in practice, been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits; because, from the nature of the case, it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French for the same purpose, and without interrupting their operations. But the British Government has never understood the Declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French cod fishery. And although, in accordance with the true spirit of the Treaty and Declaration of 1783, prohibitory Proclamations have from time to time been issued, on occasions when it has been found that British subjects, while fishing within the limits in question, have caused interruption to the French fishery, yet in none of the public documents of the British Government—neither in the Act of Parliament of 1788, passed for the express purpose of carrying the Treaty of 1783 into effect, nor in any subsequent Act of Parliament relating to the Newfoundland fishery, nor in any of the instructions issued by the Admiralty or by the Colonial Office, nor in any Proclamation which has come under my view, issued by the Governor of Newfoundland or by the British Admiral upon the station—does it appear that the right of French subjects to an exclusive fishery, either of codfish or of fish generally, is specifically recognized.

In addition to the facts above stated, I will observe to your Excellency, in conclusion, that if the right conceded to the French by the Declaration of 1783 had been intended to be exclusive within the prescribed district, the terms used for defining such right would assuredly have been more ample and specific than they are found to be in that document. For in no other similar instrument which has ever come under the knowledge of the British Government is so important a concession as an exclusive privilege of this description announced in terms so loose and indefinite.

Exclusive rights are privileges which, from the very nature of things, are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage. Such rights are therefore certain to be at some time or other disputed, if there is any maintainable ground for contesting them; and for these reasons, when negotiators have intended to grant exclusive rights, it has been their invariable practice to convey such rights in direct, unqualified, and comprehensive terms, so as to prevent the possibility of future dispute or doubt.

In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference, and upon an assumed interpretation of words.

No. 150*.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, July* 18, 1889.

WITH reference to my despatch of the 31st May last,* relating to the marking of fishing-vessels employed on the coasts of Newfoundland, I have the honour to request that you will supply me with copies of any instructions given by your Government to the local Customs authorities as to the enforcement of the provisions of the Merchant Shipping Act which relate to this matter, and that you will furnish me with a report as to the extent to which those instructions have been carried out.

I have, &c.

(Signed) KNUTSFORD.

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* No 146.

No. 151.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, August* 13, 1889.

THE French Ambassador at this Court called upon me yesterday, and, in the course of conversation, expressed the general willingness of the French Government to agree that certain issues connected with the lobster fisheries on parts of the coasts of Newfoundland should be submitted to arbitration on a specially limited reference.

I informed M. Waddington, in reply, that I would send him a note containing the reference which Her Majesty's Government would suggest; and that as soon as it had been ascertained that such reference was generally acceptable to the French Government, the Colony of Newfoundland would be asked to give an assurance that they would abide by the result of the arbitration.

I added that, in the absence of such an assurance, Her Majesty's Government would, of course, not press the French Government to proceed any further in the matter.

I am, &c.
(Signed) SALISBURY.

No. 152.

Colonial Office to Foreign Office.—(*Received August* 17.)

Sir, *Downing Street, August* 16, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, printed copy of a letter from the Admiralty, inclosing Reports from naval officers engaged in the protection of the Newfoundland fisheries.

Lord Knutsford desires me to request that you will call Lord Salisbury's especial attention to the action taken by Captain Antoine, of the French vessel "Bisson," in raising the lobster-traps of British subjects. This action, in itself illegal, appears to be aggravated by the fact that British men-of-war were in the immediate neighbourhood, to whom application might have been made by the French Captain.

Lord Salisbury will probably agree with Lord Knutsford in the opinion that a protest should be addressed to the French Government against this proceeding on the part of Captain Antoine.

No further action appears to be required on these papers at present.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 152.

Admiralty to Colonial Office.

Sir, *Admiralty, July* 18, 1889.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the Commander-in-chief on the North American Station, dated the 27th ultimo, forwarding copies of correspondence which has passed between the Captain of Her Majesty's ship "Emerald" and the French Commodore on the coast of Newfoundland, relative to lobster fishing and factories there.

2. I am also to inclose copy of a letter from the Captain of the "Emerald," dated the 28th ultimo, on the same subject.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 152.

Captain Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Sydney, June* 28, 1889.

I HAVE the honour to inclose a notice which was served on Mr. Shearer by the French Commodore when he visited the English factory at Brig Bay.

He verbally informed me that Captain Philippe, who is in charge of the fishing interests of the French house of Lourmand, had a Concession from the French Government of the right to fish on the portion of the coast comprising St. Geneviève, Brig, and St. Margaret's Bays.

The factory established at John Meagher's Cove is only a branch of the one which had been previously established at St. John's Islands.

I now send a tracing showing the proposed lines of demarcation suggested by Commodore Maréchal for the different factories, the effect of which would so materially lessen the daily take of, at least, two of the principal English factories, viz., Port Saunders and Brig Bay, that it would probably necessitate their closing, or any rate working at a loss.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 152.

Captain Maréchal to the Chief of the English Lobster Factories at Brig Bay.

Monsieur, "*La Clocheterie,*" *Sainte-Marguerite, le* 1er *Juin*, 1889.

LES pêcheurs de votre usine occupent avec leurs casiers la plus grande partie des fonds de pêche de ces environs réservés par les Traités aux pêcheurs Français, ne laissant à ceux seuls qui ont le droit de pêche sur cette côte que les emplacements dont vous n'avez pas voulu, c'est-à-dire, les moins bons probablement.

Il est de mon devoir de protester contre un pareil accaparement qui renverse toutes les notions du droit et de la justice. Je vous prie, Monsieur, de vouloir bien cesser de gêner la pêche de M. le Capitaine Philippe, établi à Brig Baie, et de lui laisser la libre exploitation des fonds de pêche environnants, pour lesquels il a obtenu du Gouvernement Français un droit de pêche temporaire conforme aux stipulations des Traités existants entre la Grande-Bretagne et la France.

Recevez, &c.
(Signé) R. MARÉCHAL.

(Translation.)

Sir, "*La Clocheterie,*" *St. Margaret's, June* 1, 1889.

THE fishermen of your factory occupy, with their lobster pots, the greater part of the fishing grounds in this neighbourhood reserved by the Treaties for the use of the French fishermen, leaving to the latter, who alone have the right to fish on this coast, those grounds only which you do not want, probably the least good.

It is my duty to protest against such a monopoly, which runs counter to all notions of right and of justice. I request, Sir, that you will have the goodness to cease troubling ("gêner") the fishery of Captain Philippe, established at Brig Bay, and to allow him the free working of the surrounding fishing grounds, for which he has obtained from the French Government a temporary fishery concession, in accordance with the provisions of the Treaties between Great Britain and France.

I have, &c.
(Signed) R. MARÉCHAL.

Inclosure 4 in No. 152.

Vice-Admiral Watson to Admiralty.

Sir, "*Bellerophon,*" *at Halifax, June* 27, 1889.

I HAVE the honour to forward herewith correspondence on the above-mentioned subject between Captain Sir Baldwin Walker and the French Commodore.

The French Commodore is now in this port, and from conversations with him I am assured of the cordial relations existing between him and the English Senior Officer; yet he bitterly complains of Mr. Shearer and other owners and managers of lobster factories, whose arrogance and general incivility, he said, makes it difficult to deal with them in the spirit he should desire.

(Signed) G. W. WATSON.

Inclosure 5 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Sydney, June* 22, 1889.

IN compliance with Senior Officer's instructions, Newfoundland Division, I have the honour to inclose correspondence with reference to interference with the property of British subjects by the French cruizer "Bisson," and to report the details of the circumstances.

On entering Port Saunders at 4 P.M. on the 15th June, I observed a boat from the cruizer "Bisson" raising lobster-traps of British subjects on the shores of Keppel Island. On this ship being seen they immediately landed them, and the boat returned to their ship. Captain Antoine came on board to explain, and I remonstrated very strongly against such interference, he giving verbally the excuse he does in his letter.

In the evening I sent a letter of protest to him, and, as in his answer he appeared to think that his action was justified by the circumstances, I wrote my second letter.

On the afternoon of the 12th instant I paid a visit to the French Commodore, and informed him that I intended going to Birchy Cove to meet the mail, and offered to take the "Bisson's" from that place, or to give any directions that he might wish, and I explained that the "Lily" would meet me at Port Saunders to get her mail.

This he declined at first, but afterwards accepted in a note which he left when returning my call. The Captain of the "Bisson" called shortly afterwards and thanked me for my offer, and gave me a letter to the Postmaster at Birchy Cove requesting him to deliver the mail for the "Bisson" to the "Emerald." This service I was unable to perform, as on the arrival of the "Volunteer" I found that the "Bisson" had met the steamer and had been given her mail.

I think, therefore, that the conclusion Captain Antoine came to that, because I did not arrive on Friday, I might have gone north without calling, was certainly not one that he had any grounds for, particularly as he was aware that I intended to meet the "Lily" on Saturday.

Furthermore, if he had made any inquiries, he would have been informed, as Commander Russell, in accordance with his orders, had been most careful to leave word that he should return on Friday or Saturday at the latest. At the time of the occurrence the "Lily" was lying at Port-au-Choix, and arrived at Port Saunders at 6·50 P.M. the same day.

The circumstances under which Captain Antoine considers his actions to be justified, viz., that the lobster-traps were on ground that was forbidden by Captain Hamond's order last year, which had not been rescinded, and having warned the fishermen to raise their traps, as they might interfere with the French fishermen in their operations, were of a speculative character, and have not up to the present been borne out by facts, as since the order was given last year the French have not occupied the waters in question.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 6 in No. 152.

Captain Sir B. Walker to Captain Antoine.

Sir, "*Emerald*," *at Port Saunders, June* 15, 1889.

I HAVE the honour to inform you that I observed, on entering this harbour, a boat from the vessel you have the honour to command raising lobster-traps of British subjects. I much regret that it is my duty to protest most strongly against any such action.

I am aware that the traps were on grounds which were forbidden by Captain Hamond's order last year to our fishermen, and quite accept the explanation you were good enough to verbally give me, but do not consider the matter was sufficiently urgent to justify such interference, there being two British vessels at the time on this portion of the coast.

I would add that the English cruizers invariably leave word on their departure from a port of their next destination in order that, should a case arise, the French cruizer can put herself in communication with one of Her Majesty's.

I deeply regret to have to send this protest, which is only done from a sense of duty,

which I hope you will quite understand, and that it will in no way affect the cordial relations that exist between us.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 7 in No. 152.

Captain Antoine to Captain Sir B. Walker.

M. le Capitaine, *Port-Saunders, le 16 Juin*, 1889.

J'AI l'honneur de vous accuser réception de votre lettre du 15 Juin dans laquelle vous protestez très énergiquement contre la levée des casiers à homards appartenant à un sujet Britannique que j'ai fait opérer sur la côte nord de l'Ile Keppel le 15 Juin.

Vous entriez en rade au moment où l'embarcation que j'avais envoyée pour remplir cette mission, après avoir suspendu son opération dès que "l'Emerald" avait été reconnu, mettait sur la grève les casiers qu'elle avait levés. J'ai eu l'honneur de vous dire dans la conversation que j'ai eue avec vous à ce sujet aussitôt après votre arrivée dans quelles circonstances j'avais ordonné la levée de ces engins de pêche.

Entrant en rade le 14 à 7 heures du soir, j'ai aperçu des bouées de casiers dans les parages où vous avez pu les voir vous-même, car mon embarcation n'a sorti de l'eau que quinze casiers et je crois qu'il en reste beaucoup d'autres à la même place.

Aussitôt après avoir laissé tombre l'ancre, j'ai envoyé un officier à la factorerie de Mr. Shearer avec mission de lui rappeler qu'il contrevenait aux ordres donnés par les officiers de Sa Majesté Britannique, en vue d'assurer dans ces parages à nos pêcheurs libre pratique de leurs opérations, et de l'inviter à retirer les casiers dont j'avais vu les bouées le long de la côte nord de l'Ile Keppel.

Je croyais qu'ils lui appartenait. Ils n'étaient pas à lui, ainsi que déclara son "manager," mais à un Sieur James Rhyn, qui était présent, et auquel l'officier du "Bisson" fit part de l'objet de sa mission. Il déclara qu'il ne livrerait par ses casiers le soir même, mais qu'il ferait cette opération le lendemain matin.

Le jour suivant, 15 Juin, le même officier a fait dans la matinée le tour de l'Ile Keppel, et visité le havre du même nom. Il m'a rendu compte à son retour que les casiers James Rhyn n'avaient pas été levés, et qu'il en avait quelques autres le long de la côte sud de l'île et sur la côte sud de la Pointe de Saunders à l'entrée du havre de Keppel.

J'ai considéré qu'en ne remplissant pas l'engagement qu'il avait pris sur ma réquisition de lever ses casiers, le Sieur Rhyn avait manqué à la considération à laquelle a droit le Commandant d'un navire de guerre Français, agissant pour la protection d'intérêts que garantissaient, d'ailleurs, d'une façon spéciale dans ces parages, les ordres antérieurs de "Captain" et "Senior Officer" des forces Britanniques à Terre-Neuve, et j'ai agi en conséquence.

Tels sont les faits, M. le Capitaine; je me borne à les exposer, et à les soumettre à votre appréciation éclairée.

Je reconnais pleinement qu'en la présence d'un croiseur Anglais, je dois éviter d'intervenir directement, pour en modifier le cours ou les interrompre, dans les opérations des sujets Britanniques. Mais, en son absence, ou s'il n'est pas très voisin, ne peut-il pas se présenter tel cas, qui nécessite une intervention immédiate sous peine de laisser méconnaître le caractère dont m'investissent mon grade et ma mission ?

Je considère que cette intervention a pour conséquence obligée une information de ma part au croiseur Anglais voisin, si la communication est possible, ou, dans le cas contraire, à la première rencontre avec lui.

Après vous avoir signalé les casiers à homards mouillés par des pêcheurs Anglais sur les fonds interdits pour eux par votre prédécesseur autour de l'île et à l'entrée du havre de Keppel, j'ai l'honneur de vous demander leur retrait. C'est en vain que leurs propriétaires allèguent que ces engins sont placés là où les Français ne pêchent pas.

La réserve de harengs pour boëtte, que ceux-ci conservent dans des filets fermés au fond du havre de Keppel, a été pêchée par eux dans les eaux dont la libre exploitation leur est garantie spécialement.

Ils peuvent y revenir, à tout instant, à la recherche ou la poursuite du poisson, et leur pêche pourra être empêchée, ou au moins gênée, s'ils trouvent les bords de la mer garnis de casiers.

Vous n'accepterez certainement pas, M. le Capitaine, que nos pêcheurs qui viendront à l'île ou au havre Keppel, avec la confiance que les ordres donnés par des officiers de Sa

Majesté Britannique leur en garantissent la libre exploitation, trouvent ces parages obstrués, même partiellement, pour leurs opérations.

Je suis, &c.
(Signé) M. ANTOINE.

(Translation.)

Sir, *Port Saunders, June* 16, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, in which you protest most energetically against the raising of lobster traps belonging to a British subject which I ordered on the north coast of Keppel Island on the 15th June.

You entered the roads at the moment when the crew which I had sent to carry out this work, having suspended their operations as soon as the "Emerald" had been sighted, deposited on the shore the traps which they had raised. In the conversation which I held with you immediately after your arrival, I had the honour to inform you of the circumstances under which I had ordered the removal of these fishing implements.

Entering the roads on the 14th at 7 o'clock P.M., I perceived buoys of lobster traps in these waters, where you may have seen them yourself; for the crew I sent has raised only fifteen traps, and I believe that there are many more remaining on the same spot.

As soon as I had dropped my anchor, I dispatched an officer to Mr. Shearer's factory, with instructions to remind him that he was acting counter to the orders given by Her Britannic Majesty's officers with a view to insure free scope for the operations of our fishermen in these waters, and to remove the traps of which I had seen the buoys along the north coast of Keppel Island.

I believed that they belonged to him. But according to the statement of his manager, they were not his, but belonged to a Mr. James Rhyn, who was present, and to whom the officer of the "Bisson" explained the object of his mission. He declared that although he could not withdraw his traps that same evening, he would do so next morning.

On the following day, the 15th June, the same officer made the round of Keppel Island in the morning, and visited the harbour of the same name. He reported to me on his return that the traps of Mr. James Rhyn had not been removed, and that there were several more along the south coast of the island, and on the south coast of Point Saunders, at the entrance of Keppel Harbour.

I considered that in not fulfilling the engagement taken at my request for the removal of the traps, Mr. Rhyn showed a want of that respect to which the Commander of a French man-of-war is entitled when acting in the defence of interests which, indeed, were specially protected by the previous orders of a Captain and Senior Officer of Her Britannic Majesty's naval forces in Newfoundland, and I acted accordingly.

These, Sir, are the facts; I confine myself to stating them, and submitting them to your enlightened consideration.

I fully recognize that in the presence of an English cruizer I should not directly interfere with the fishing operations of British subjects, so as to alter their course, or interrupt them. But in her absence, or if she is not in the immediate neighbourhood, may not a case arise which calls for immediate intervention, so as to obviate any misunderstanding as to the character with which I am invested by virtue of my rank and mission?

I consider that such an intervention imposes on me the duty of informing the nearest English cruizer, if communication be possible, or, if not, as soon as I fall in with her.

Having called your attention to the lobster pots moored by English fishermen round Keppel Island and at the entrance of Keppel Harbour, on a spot interdicted to them by your predecessor, I have the honour to request their removal. It is useless for their proprietors to allege that these traps are placed where the French do not fish.

The reserve of herrings, to be used as bait, which the French have barred in closed nets in Keppel Harbour, has been caught by them in waters the free use of which has been specially guaranteed to them.

They may return to the spot at any moment, on the quest or on the track of the fish, and their fishing may be prevented, or at least hindered, by finding the sea shore lined with traps.

You would not, I am sure, allow that our fishermen, coming to Keppel Island or Harbour in the belief that the orders given by Her Majesty's officers insure their unrestricted fishing, should find these waters barred, even partially, against their operations.

I have, &c.
(Signed) M. ANTOINE.

Inclosure 8 in No. 152.

Captain Sir B. Walker to Captain Antoine.

(Extract.) "*Emerald*," *at Port Saunders, June* 17, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, and thank you for the explanations of the circumstances under which you considered yourself justified in raising the lobster-traps of British subjects.

I cannot but think that, had inquiries been made at the English factory, you would have been informed that the "Lily" would return to Port Saunders on Saturday evening at the latest. At the time of the occurrence she was lying at Port-au-Choix, a distance of 13½ miles by sea and 4½ miles by land from this port.

You were also aware that I intended to visit Port Saunders.

In the conversation we had on the subject you were good enough to explain that, as you did not find me here, you thought I might have altered my intentions and gone north; but, even supposing such to have been the case, I consider the proximity of the "Lily" would have enabled a communication to be made to her almost immediately.

I would also call your attention to the fact that since the order was given by Captain Hamond no French fishermen have fished on the shores of Keppel Island; and although I am aware that your fishermen have seined herrings during the month of May in Keppel Harbour, and that they have herrings barred there at the present time, no lobster-traps have been set in that harbour, nor have any complaints been made.

I wish also to add that Commander Russell, when he visited Port-au-Choix, had no complaints made to him by the French Captains of any interruptions to the operations of their fishermen at Port Saunders or the adjacent coasts.

I therefore think that the fears you entertain as to the interruptions that might possibly occur to your fishermen were not of the urgent character to necessitate such action.

I deeply regret that the men to whom your directions were conveyed by an officer did not attend to them, but I cannot, under the circumstances, recognize the right of any but British officers taking active measures against the property of British subjects.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 9 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Sydney, June* 22, 1889.

I HAVE the honour to report the setting up of two French lobster factories on the north-west portion of the west coast. They are situated one at Brig Bay, the other at John Meagher's Cove, Castors River. The Brig Bay factory is the same that was established at White Arm, Hauling Point, last year, but owing to the disappointment experienced in the take of lobsters there, has this season been transferred to Brig Bay.

This factory is on a large scale, and is capable of canning 7,000 lobsters daily. It employs forty-eight men and (at present) three native girls, but the employment of native labour is, I believe, not allowed, and will probably be ordered to be discontinued on its coming to the knowledge of the French officers.

The lobster catching is conducted by twenty men and ten boats, working 1,500 traps, but the number is being increased, and assisted by a steam-launch, which collects the lobsters at stated times and conveys them to the factory. Their take, up to the present, has averaged about 3,500 daily, and they have packed 350 cases containing each 48 one-lb. tins.

The French commenced fishing on the 17th May, three days before Mr. Shearer's men were able to, as his bait had not arrived; they were thus able to choose the ground for

their lobster-traps. So far the fishermen of the two nations have worked harmoniously, but how long this will last it is impossible to foretell.

The factory at John Meagher's Cove is on a much smaller scale, and is worked by the same French captain that has a factory on St. John's Island. It is, I believe, only capable of canning about 1,000 daily, and the surplus is conveyed to the parent establishment and canned there. Their catch so far has averaged about 1,700 daily, taken by twelve men in six boats working about 800 traps.

Both of these French factories have established themselves in bays already occupied by English ones.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 10 in No. 152.

Captain Sir B. Walker to Vice-Admiral Watson.

(Extract.) "*Emerald*," *at Sydney, June* 22, 1889.

AS important correspondence has taken place between the French Commodore and myself with reference to English lobster factories established at Port Saunders, St. Margaret's Bay, Brig Bay, and John Meagher's Cove, and also Mr. Cairns' factory at Port-à-Port, I have the honour to forward it at once, as I understood from the French Commodore that negotiations are taking place between the two Governments.

On leaving Bay St. George the French Commodore visited the English factories in question, and it was evident from the attitude assumed by him toward them, especially to those to the northward of Port Saunders, that the lobster industry was to be claimed as a right granted by Treaty. On all occasions of the French officers visiting the factories, the managers were informed that their lobster-traps must be raised, and that after the French fishermen had placed theirs the remaining ground might be occupied by the English, and in one instance the manager was told that if the traps were not raised he (the French Commodore) would have them removed.

I also gathered, when visiting the different fishing grounds, that on plea of interruption to the French fishing, on the English traps being raised (as at Port Saunders last year) they would be immediately supplanted by those of the French, and thus leave me face to face with an accomplished fact.

The attitude of the French, together with the general feeling of insecurity that existed among the natives, who saw their means of livelihood threatened, rendered the situation very critical, as any overt act on the part of the French might have resulted in grave disturbances, and the danger of losing control of the native fishermen was too great to allow of my waiting on events.

Under these circumstances I came to the conclusion that the question had better be raised at once, as being more likely to lead to a satisfactory compromise than any other solution of the difficulty.

The tactics being pursued towards the Brig Bay factory are very similar to those adopted in the case of Port Saunders, that is by endeavouring to restrict the ground of the lobster fishing, and so preventing the continuance of the working of the factory.

In the Commodore's letter, in which the keeping apart of the fishermen of the two nations is made a point of, I asked him, when talking over the matters, to show me the lines of demarcation that he proposed—those in the case of Brig Bay were such that I rejected them and told him that I could not consider such a decision, but held that each case must be dealt with on its merits.

I would, therefore, most respectfully submit that, if the question of compromise on this matter is being considered by the Government, the lobster fishing varies in value considerably on different parts of the coast, some portions being of no value at all; and had I accepted the boundaries proposed in the case of the Brig Bay factory, it would have had the effect of reducing the daily take of lobsters from 7,500 to something under 2,000.

Gargamelle Cove, which has also always been a point of contention, is so on account of its value as a lobster fishing-ground, the average take being about 800 a-day between two men. This, and its close proximity to Port-au-Choix, would make it a valuable addition to the French factories established there.

As the greater part of the waters which were prohibited at Port Saunders have never been occupied at all, and are, as a matter of fact, quite unfitted for seining for bait in most instances, I have modified the orders, and to insure there being no grounds for

complaints, and also to obtain information necessary on the subject, I have detailed Lieutenant Weigall, with the steam-cutter and gig (in case the steam-boat breaks down) and eight men on this service.

The question of the lobster industry has now reached such an acute stage that it cannot continue in its present position without considerable danger. The effect of such action as that taken by the Captain of the "Bisson" at Port Saunders might lead to disturbances, the result of which it is difficult to foresee.

Inclosure 11 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le 9 Juin*, 1889.

L'INSPECTION que je viens de passer des postes occupés temporairement par nos pêcheurs sur la côte ouest de Terre-Neuve m'a montré combien ceux-ci étaient gênés dans l'exercice de leur industrie par les opérations de pêche des nombreuses usines à homards qui se sont installées au milieu d'eux.

La situation seule de ces établissements sur des points du littoral réservés à nos pêcheurs suffit à faire de leur exploitation une cause permanente de trouble, que les stipulations des Traités ainsi que les engagements pris par Sa Majesté le Roi d'Angleterre dans sa Déclaration du 3 Septembre, 1783, avaient justement pour but d'éviter.

D'autre part je me permettrai, M. le Commandant, d'appeler votre attention sur l'accroissement continuel du nombre de ces factoreries; chaque année en voit apparaître de nouvelles, toujours placées au milieu des centres de pêche choisis par les Français qui ne jouissent plus désormais du complet et tranquille exercice de leur industrie.

C'est ainsi que l'usine de Mr. Chattman à Sainte-Marguerite, à peine ébauchée l'année dernière, fonctionne règulièrement aujourd'hui et contribue avec l'usine de Mr. Shearer de Brig Baie à gêner les opérations du Capitaine Philippe, établi dans ce même havre.

Une autre usine Anglaise est en construction à Port-à-Port, dans le sud-est de l'Ile-au-Renard; elle ajoutera un nouveau trouble aux opérations de nos pêcheurs de Port-à-Port, déjà gênés par l'usine de M. Cairns à la Grande-Anse.

Enfin, cet hiver une nouvelle factorerie appartenant encore à Mr. Shearer a été fondée dans l'Anse à John Marsh sur un point où jamais nos pêcheurs n'avaient été troublés jusqu'ici.

Le Gouvernement de Sa Majesté la Reine d'Angleterre n'a pas hésité à reconnaître cette situation de fait ainsi que l'étendue des obligations que lui imposent les Traités, en ce qui concerne la libre jouissance des droits assurés à nos pêcheurs, et dans une lettre adressée à M. Waddington le 28 Mars, 1889, Lord Salisbury a fait les déclarations suivantes:—

"Your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, 'troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordée sur les côtes de l'Ile de Terre-Neuve . . . . .'"

Je serai heureux, M. le Commandant, que vous voulussiez bien me faire connaître les mesures qu'il est dans votre intention de prendre pour répondre aux vues du Gouvernement Anglais, en même temps qu'à nos légitimes revendications, en ce qui concerne les usines de

Mr. Shearer { à Brig Baie.
à l'Anse à John Marsh et à Port-à-Port.
Mr. Cairns, à la Grande Anse de Port-à-Port.
Mr. Chattman, à Sainte-Marguerite.

Il ne me paraît pas douteux d'ailleurs que le maintien de ces établissements risque de donner lieu à des complications que vous n'avez sans doute pas moins à cœur que moi-même d'éviter. Je dois avoir d'autant plus de confiance dans l'efficacité des dispositions que vous adopterez vis-à-vis de vos nationaux, que les pêcheurs Français n'exercent pour le moment leur industrie que sur un espace représentant à peine le quart de toute la côte ouest qui leur est réservée (40 milles au nord, 40 milles au sud) et que vous n'ignorez pas, M. le Commandant, le soin scrupuleux avec lequel les Commandants des croiseurs Français à Terre-Neuve se sont invariablement attachés d'une part à faire respecter par nos nationaux les obligations qui nous sont imposées par les Traités sur le littoral réservé, et, d'autre part, à concilier autant que possible l'application de nos droits avec les ménagements

qu'a pu parfois nous paraître justifier la situation des résidents de la côte ouest, si peu régulière qu'elle fût d'ailleurs à nos yeux.

Agréez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 9, 1889.

THE inspection which I have just made of the places temporarily occupied by our fishermen on the west coast of Newfoundland has shown me how much they are hindered in the pursuit of their industry by the fishing operations of the numerous lobster factories established in their midst.

The position alone of these establishments, situated as they are on points of the shore which are reserved to our fishermen, is such that their working is a source of permanent trouble, which the Treaty stipulations and the engagement taken by His Majesty the King of England in his Declaration of the 3rd September, 1783, were destined, rightly, to avoid.

Besides this, I beg leave, Sir, to call your attention to the ever increasing number of these factories; each year sees new ones spring up, always in the midst of the fishing centres chosen by the French, who no longer enjoy the free and unmolested pursuit of their industry.

Thus Mr. Chattman's factory at St. Margaret's, started only last year, is now in regular working order, and, together with Mr. Shearer's factory at Brig Bay, impedes the operations of Captain Philippe, established in this same harbour.

Another English factory is being erected at Port-à-Port, in the south-east of Fox Island; this will add a further source of trouble to the operations of our fishermen at Port-à-Port, already impeded by the factory of Mr. Cairns at Broad Cove.

Lastly, a new factory, also belonging to Mr. Shearer, has this winter been founded at John Marsh Cove, on a spot where hitherto our fishermen have never been interfered with.

Her Majesty's Government have not hesitated to recognize this question of fact, as well as the obligations imposed upon them by the Treaties with regard to the free enjoyment of the rights granted to our fishermen, and in a letter to M. Waddington of the 28th March, 1889, Lord Salisbury made the following declaration:—

"Your Excellency may rest assured that care will be taken to secure that neither Mr. Shearer nor any other British subject shall, in the words of the Declaration of 1783, 'troubler en aucune manière par leur concurrence la pêche des Français pendant l'exercice temporaire qui leur est accordée sur les côtes de l'Ile de Terre-Neuve . . .'"

I should be obliged if you would inform me of the measures which it may be your intention to take in order to carry out the views of Her Majesty's Government, and, at the same time, to meet our just claims respecting the factories of

Mr. Shearer { at Brig Bay.
at John Marsh Cove and at Port-à-Port.
Mr. Cairns, at Broad Cove, Port-à-Port.
Mr. Chattman, at St. Margaret's.

There seems, morover, to be no doubt that the maintenance of these establishments constitutes a risk of complications such as you have probably as much as myself at heart to avoid. I place all the more confidence in the efficacy and thorough character of the measures which you will take with regard to your countrymen, that the French fishermen pursue their industry for the moment only on a space hardly amounting to a fourth part of all the west coast line reserved to them (40 miles north and 40 miles south), and that you know the scrupulous care with which the Commanders of the French cruizers in Newfoundland waters have always endeavoured, on the one hand, to see that the Treaty stipulations are observed by our fishermen on the reserved shore, and, on the other hand, to reconcile, as far as possible, the due exercise of our rights with the consideration which we have ever thought it right to show to the position of the inhabitants of the west coast, however irregular it may have appeared to us.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 12 in No. 152.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at Bay of Islands, June* 10, 1889.

I BEG to acknowledge the receipt of your letter of the 9th instant, calling my attention to the hampering of your fishermen in their operations by the English lobster factories established on that portion of the shore where the French have certain Treaty rights, and asking what steps I intend taking to secure to your countrymen their legitimate claims.

Although I am not aware of the French mode of fishing having been interfered with in any way, yet I have much pleasure in informing you that, to prevent any just cause of complaint, I gave instructions to Mr. Shearer when at Port Saunders, and similar instructions have been sent to the managers of other factories, to the effect that should their lobster-traps interfere with the French mode of fishing by seines they must be immediately raised whilst the French fishermen are actually desirous of occupying the waters in which the traps are set; I shall be careful to have these orders strictly enforced, and thus, I hope, quite obviate all chance of complications which we are both so desirous of avoiding.

With reference to the interference with the operations of the factory established this year by Captain Philippe in Brig Bay, by the factories of Messrs. Shearer (at Brig Bay) and Chetwynd (at St. Margaret's Bay), I would call your attention to the fact that Captain Philippe's factory is for the industry of catching and canning lobsters; under these circumstances I do not consider it necessary to take any further measures, as on the merits of the case I think the legitimate claims of the French fishermen are quite met by the orders already given.

As the factory of Mr. Cairns at Long Point, Port-à-Port, does not open until after the departure of the French vessels from the island, I do not apprehend in this case there can be any interference with your fishermen.

I am not aware of any lobster factory having been established on the south-east of Fox Island, but as I shall shortly visit Port-à-Port, I will take care that the Treaty obligations are observed.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 13 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le* 11 *Juin*, 1889.

J'AI l'honneur de vous accuser réception de votre lettre du 10 Juin, qui n'est elle-même qu'une réponse à celle que je vous ai adressée le jour précédent, et de vous remercier des instructions que vous avez bien voulu donner à Mr. Shearer et aux propriétaires de factoreries Anglaises pour que leurs casiers à homards soient immédiatement levés au moment où les pêcheurs Français désireraient pêcher à la seine là où ces casiers seraient mouillés.

Permettez-moi, cependant, M. le Commandant, de vous faire observer que la mesure que vous avez prise ne me paraît répondre, ni à nos justes revendications, ni aux vues du Gouvernement Anglais exprimée dans la lettre adressée le 28 Mars, 1889, par son Excellence Lord Salisbury à nôtre Ambassadeur à Londres.

Son caractère pratique est d'ailleurs illusoire, et l'interprétation qui ne manquera pas d'en être faite par vos nationaux, dans l'intérêt de leur envahissement de nos fonds de pêche, peut, dans une certaine mesure, aller à l'encontre de notre désir mutuel de concorde.

En effet, lorsque nos pêcheurs pêchent à la seine ils parcourent toutes les côtes avoisinant leurs places de pêche à la recherche du poisson; et dès qu'ils l'ont aperçu, le poursuivent jusqu'au rivage pour le seiner. Si pendant cette opération ils rencontrent des casiers Anglais en travers de leurs filets, il leur sera impossible d'appeler à eux le propriétaire Anglais, qui se trouvera, dans la plupart des cas, éloigné de plusieurs milles, pour qu'il les enlève. Leur poisson s'échappera, et si à ce moment ils perdent tout leur sang-froid et détruisent les casiers Anglais sur cette partie de la côte qu'ils avaient le droit de considérer comme libre, il me paraît incontestable que la responsabilité de la provocation ne viendra pas de leur côté.

D'autre part, vous n'ignorez pas, M. le Commandant, que nos pêcheurs ne pêchent pas seulement à le seine ; ils emploient aussi la ligne de main, l'harouelle, les filets dormants, et les casiers à homards.

Il est de mon devoir d'accorder une égale protection à tous ces genres de pêche dont l'exercice est conforme aux droits que les Traités nous donnent de pêcher, d'exploiter la mer qui borde les côtes qui nous sont réservées, sans restriction aucune quant à l'espèce de poisson pêchée.

Le droit que nous avons en outre de débarquer à terre pour préparer notre poisson est d'une toute autre nature et ne peut être confondu avec le premier.

Or, il résulte des termes de votre lettre que, répondant à une de mes plaintes, celle qui concerne la gêne causée aux opérations de pêche du Captaine Philippe par la homarderie de Brig Baie, vous estimez que puisque ce capitaine pêche le homard la mesure générale que vous avez prise au sujet des seines Françaises est suffisante.

Les plaintes de tous nos pêcheurs sont donc destinées à recevoir un semblable accueil, qui contraste singulièrement avec la protection accordée d'autre part aux pêcheurs de homards Anglais.

L'esprit des pêcheurs des deux nations ne manquera pas d'en être frappé—il l'est déjà. Dans la tournée que je viens de faire, j'ai été à même d'éprouver l'arrogance que les agents de Mr. Shearer se croient en droit d'employer avec les Français, et le cynisme avec lequel, se dégageant des engagements pris par le Gouvernement Anglais, ils comptent n'agir qu'à leur guise.

J'ai eu l'honneur de vous faire part verbalement de ces indices fâcheux pour la tranquillité future des pêcheurs de la côte, et je ne saurai trop insister, M. le Commandant, sur la vive crainte que j'ai que les ordres que vous avez donnés ne soient interprétés, de telle façon que vos pêcheurs de homards ne se croient en droit de méconnaître les droits de nos pêcheurs de homards et que ceux-ci gênés, molestés, repoussés, sans acune mesure, ne perdent à leur tour la notion des ménagements qu'ils ont toujours été habitués à observer.

J'appelle donc toute votre bienveillante attention, M. le Commandant, sur une pareille situation et laissant de côté les discussions de principes qu'il ne nous appartient pas d'entreprendre, je vous demande de vouloir bien examiner la question à un point de vue essentiellement pratique qui réserve toutes les décisions de l'avenir.

En fait, l'introduction de la pêche du homard sur la côte réservée aux Français a été un premier changement introduit au *modus vivendi* qui durait depuis de longues années et qui avait jusqu'ici permis aux résidents de vivre en bonne intelligence avec nos pêcheurs. Ce premier accroc au *modus vivendi* a été porté par vos nationaux.

La pêche de la morue permettant difficilement à nos armateurs de recouvrer les frais de leurs armaments, ils ont suivi l'exemple qui leur avait été donné et ajouté la pêche du homard à celle de la morue. Malgré ce double changement, grâce à la bonne volonté mise de part et d'autre—bonne volonté aidée par les efforts des bâtiments de guerre des deux pays, la paix a continué à régner, chacun ayant trouvé son intérêt à cette extension de ses opérations de pêche.

Depuis, des spéculateurs venus de la Nouvelle-Écosse ont apporté un trouble profond à cette situation ; ils ont introduit sur cette côte des pêcheurs étrangers à Terre-Neuve, étrangers aussi, je dois ajouter, à toutes les stipulations des Traités, sourds à toutes les objurgations, et n'admettant en un mot aucune peine à leurs opérations. Pour couvrir leurs spéculations, ils ont adjoint à leurs pêcheurs un certain nombre de résidents qu'ils ont fait venir de toutes les parties de la côte, accumulant ainsi et comme de parti pris, dans les centres mêmes où nos pêcheurs exercent leur industrie, un grand nombre de résidents autrefois répandus sur un espace bien plus étendu. Leur pêche ainsi comprise est devenue une sorte d'opération commerciale qui change profondément les mœurs auxquelles on était habitué sur ces côtes.

En résumé, le *modus vivendi* adopté jusqu'ici comme terme moyen, compatible avec les droits de chacune des parties, a lui-même été violé du fait des agissements des pêcheurs Anglais.

La pêche des Français est à ce point troublée contrairement aux stipulations des Traités, que la continuation d'un pareil envahissement des fonds qui nous sont réservés serait de nature à altérer les bonnes relations entre pêcheurs que nous avons à cœur de conserver.

Je ne puis donc considérer la mesure que vous avez bien voulu prendre, M. le Commandant, comme le terme au delà duquel vous ne pouvez aller. Il me semble en effet que le rôle que nous avons à jouer sur cette côte consiste, non seulement à régler les différends qui peuvent s'élever entre les pêcheurs, mais aussi et surtout à les prévenir.

Quelle que soit l'époque à laquelle la situation a été envisagée, le principe de la

séparation des fonds de pêche attribués aux pêcheurs des deux nations a toujours paru être la condition pratique *sine quâ non* de la paix sur cette côte. L'oubli actuel de ce principe tutélaire commence déjà à faire renaître des inquiétudes des sentiments de méfiance qui pourraient n'être que le prélude de conflit dont la loyale application du *modus vivendi* adopté avant la pêche du homard nous avait toujours préservés.

J'ai eu l'honneur de vous indiquer verbalement les terrains de pêche que je considère comme indispensables au libre exercice des droits de nos pêcheurs pour cette année. Les conséquences du "Bait Act" ne permettent malheureusement pas d'escompter un avenir plus long.

Je ne me dissimule pas que ce partage des fonds de pêche est en contradiction formelle avec l'étendue de nos droits, mais il est devenu une nécessité du moment ; je ne l'indique et ne l'accepte d'avance que dans ces conditions, sous cette réserve et parce qu'il permet à nos deux Gouvernements de poursuivre avec impartialité les négociations que toutes ces graves questions entraînent.

Il m'est d'ailleurs impossible de ne pas appeler l'attention de mon Gouvernement sur les procédés de tolérance à l'aide desquels il est permis à des industriels de fonder en un seul hiver, pendant l'absence de nos pêcheurs, des factoreries de homards dont les pêcheurs viennent au printemps suivant envahir les fonds de pêche qui nous sont réservés, que nous exploitions, et y faire acte de premier occupant au mépris de tous nos droits. Ces procédés sont en contradiction flagrante avec les sentiments de haute justice qui ont toujours guidé le Gouvernement de la Grande-Bretagne dans ses négociations avec la France au sujet des pêcheries de Terre-Neuve.

J'ajouterai, M. le Commandant, que, ainsi que j'ai eu l'honneur de vous le dire dans ma précédente lettre, la cessation des opérations des usines de—

Mr. Shearer { à Brig Baie,
à l'Anse à John Marsh,
à Port Saunders,
M. Cairns, à la Grande Anse de Port-à-Port,
M. Chattmann, à Sainte-Marguerite,

me paraît la seule solution capable de ramener des espérances de paix et de justice sur la côte de Terre-Neuve où nos pêcheurs exercent leur industrie.

Agréez, &c.
(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 11, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 10th June, which answered the one I addressed to you the preceding day, and to thank you for the instructions which you have been good enough to give to Mr. Shearer and to the owners of English factories to raise their lobster traps whenever the French fishermen wish to fish with seines where such traps are moored.

Allow me, however, to observe that the measure you have taken does not appear to me to meet our just claims, nor to be in accordance with the views of the English Government, as expressed in the letter addressed on the 28th March last by his Excellency Lord Salisbury to our Ambassador in London.

Moreover, the measure is practically illusory, and the interpretation which your countrymen will not hesitate to place upon it, in the interest of their encroachments on our fishing grounds, may, to a certain degree, run counter to our mutual desire for harmony and concord.

In fact, when our fishermen fish with seines, they traverse all the coast in the neighbourhood of the fishing ground in quest of fish ; and as soon as they find it, they pursue the fish up to the shore in order to catch it with the seine. If in this operation their nets come in contact with English traps, they will be unable to summon the English proprietor, who, in most cases, will be several miles distant, to remove them. Their fish will escape, and if at this moment they lose all patience and destroy the English traps on that part of the coast which they have a right to consider free, it seems to me incontestable that the responsibility for the provocation does not lie with them.

On the other hand, you are aware that our fishermen do not fish with seines only ; they also employ fixed and hand lines, stake nets, and lobster traps.

It is my duty to afford equal protection to all these modes of fishing, the use of which is in accordance with the rights, given to us by the Treaties, to fish in the

waters on the coast reserved for our use, without any restriction as to the kind of fish to be caught.

The right which we have, besides this, to land and to cure our fish is of a different nature, and must not be confounded with the former.

It appears from your letter that, in reply to one of my complaints, the one concerning the hindrance caused by the Brig Bay lobster factory to the fishing operations of Captain Philippe, you consider that as this gentleman fishes for lobsters, the general measure which you have taken with regard to French seine fishing is sufficient.

The complaints of all our fishermen are therefore destined to meet with a similar reception, which contrasts singularly with the protection afforded on the other hand to the English lobster fisheries.

The fishermen of the two nations will be struck by the difference—they are already struck by it. In the course of the inspection I have just made, I have been able to observe the insolence which Mr. Shearer's agents think themselves entitled to show towards the French, and the cynicism with which, in violation of the engagements taken by the English Government, they imagine they can act according to their own pleasure.

I have had the honour to inform you verbally of these signs of a threatening disturbance of the tranquillity among the fishermen on the coast, and I cannot insist too strongly on the grave apprehension I feel, that the orders you have given may be interpreted in such a way that your lobster fishers will consider themselves entitled to dispute the rights of our lobster fishers, and that the latter, obstructed, molested, and driven off, without any redress, will lose all idea of consideration, such as they have always been accustomed to show.

I therefore call your attention to this state of affairs, and, leaving aside all discussion of principles, which we are not authorized to enter upon, I would ask you to consider the matter from an essentially practical point of view, reserving all decision for the future.

In fact, the introduction of the lobster fishery on the coast reserved for the use of the French has been a first change introduced into the *modus vivendi*, which has lasted for many years, and which has up to now enabled the inhabitants to live in good understanding with our fishermen. This first breach in the *modus vivendi* has been made by your countrymen.

As the cod fishery enabled the ship-owners only with difficulty to recover the cost of their expeditions, they followed the example given to them, and added the lobster fishery to the cod fishery. In spite of this double change, peace has continued to reign, thanks to the good-will shown on either side, aided by the men-of-war of the two countries, each party finding their own interest in this extension of the fishing operations.

Since then, speculators coming from Nova Scotia have introduced much trouble into this state of things; they brought new fishermen, strangers to Newfoundland, strangers also, I must add, to all Treaty stipulations, deaf to all entreaties, and, in one word, admitting no restrictions to their fishing operations. In order to cover their speculations, they joined to their fishermen a certain number of the inhabitants whom they brought together from all parts of the coast, thus intentionally accumulating on the very spot where our fishermen carry on their industry a great number of inhabitants previously dispersed over a much wider area. These fisheries, thus understood, have become a kind of commercial transaction, entirely changing the habits hitherto observed on these coasts.

In short, the *modus vivendi* hitherto accepted as a middle course, compatible with the rights of either party, has itself been violated by the proceedings of the English fishermen.

The French fisheries are so much impeded, contrary to the Treaty stipulations, that the continuation of such an invasion of the fishing grounds reserved for our use would seriously affect the good relations between the fishermen, which we are anxious to preserve.

I cannot, therefore, consider the measure which you have taken as a limit beyond which you will not go. It seems to me, in fact, that the part we have to play on this coast consists not only in settling any differences that may arise between the fishermen, but also, and above all, in preventing them.

At whatever period the situation has been considered, the principle of the division of the fishing grounds assigned to the fishermen of the two nations has always appeared, practically, as the condition *sine quâ non* of peace on this coast. The

present abandonment of this sovereign principle already begins to reawaken sentiments of defiance, which may be the prelude to a conflict we have hitherto been spared owing to the loyal application of the *modus vivendi* adopted before the introduction of the lobster fishery.

I had the honour to indicate to you verbally the fishing grounds which I consider indispensable to our fishermen in the free exercise of their rights for this year. The consequences of the "Bait Act" unhappily do not permit to look so far ahead into the future.

I do not hide from myself that this division of fishing grounds is in absolute contradiction to the extent of our rights, but it has for the moment become a necessity; I propose and accept it in advance only on these conditions, and with this reservation, and because it enables our respective Governments to continue impartially the negotiations to which all these grave questions give rise.

It is, moreover, impossible for me not to draw the attention of my Government to the favour shown to an industry by permitting it to erect during one winter, and during the absence of our fishermen, lobster factories, whose fishermen in the following spring invade the fishing grounds reserved for our use, where we have been accustomed to fish, and acquire the right of first occupation in defiance of our privileges. These proceedings are in flagrant contradiction to the high principles of justice which have always guided the British Government in their negotiations with France on the subject of the Newfoundland fisheries.

I must add that, as I have already had the honour to state in my previous letter, the only solution tending to revive hopes for peace and justice on the Newfoundland coast where our fishermen pursue their industry appears to me the closing of the factories of—

Mr. Shearer { at Brig Bay,
at John Marsh Cove,
at Port Saunders,
Mr. Cairns, at the Broad Cove, Port-à-Port,
Mr. Chattmann, at St. Margaret's.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 14 in No. 152.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at York Harbour, June* 12, 1889.

I BEG to acknowledge the receipt of your letter of the 11th instant, and much regret that you do not consider the steps I have taken to enforce the legitimate claims of the French fishermen as satisfactory.

I have the honour to point out that the words "with seines," to which you take exception, were used as it is that particular mode of fishing which has given rise on previous occasions to the complaints by the French fishermen of interruption to their operations; and although I am aware that, when your fishermen fish with seines, they go over all the shores adjoining their fishing ground in quest of the fish, yet it is not all parts of the shore that admit of these operations being carried out. The practical result of which is that the grounds available for this purpose are circumscribed, and not, as you suggest, of such an extent that seining is likely to take place at all parts of the coast.

With reference to the Port Saunders factory, allow me to remind you that it is already restricted in its operations, the orders given by Captain Hamond, late Senior Officer in Newfoundland, being still in force, and since only a very small portion of the vacated waters have been occupied by French fishermen, on its merits, I consider no further restrictions to be necessary.

With reference to Gargamelle Cove, on which subject you did me the honour to verbally address me, only two natives have permission to catch lobsters, and they have sometimes sold them to Mr. Shearer, and at other times to the French lobster factories at Port-au-Choix, but they will be regulated in their operations as necessary.

At John Meagher's Cove, Commander Russell, of the "Lily," has instructions to take any steps necessary to prevent any untoward action on the part of the native fishermen, owing to their lobster trawls being crossed by those of the French fishermen; also to see that the French fishermen are not interfered with in their mode of fishing. On this subject I had the honour to address you verbally.

In reply to your complaint as to the hindrance caused to Captain Philippe's factory by those at Brig Bay and St. Margaret's Bay, I do not consider, after the careful inquiry on the spot and knowledge of the ground occupied by our fishermen, that the fishermen employed by Captain Philippe are in any way impeded by those of the two English factories. I would add that the English factory at Brig Bay has been established since 1880.

As to Mr. Cairns' factory at Port-à-Port, I have already had the honour to inform you that it does not commence until after the French vessels have left Red Island; this, in connection with the fact that the factory at Black Duck Brook is not opened, will, I hope, do away with any cause of complaint.

I hold, therefore, that each case as it arises must be dealt with on its merits, and it will be my earnest endeavour, and that of the officers serving under me, to meet these difficulties in a conciliatory spirit.

The speculators hardly merit all the blame you attach to them; these persons whom you state caused all this great trouble found the necessary capital which opened up an industry commenced fifteen years ago, and which now employs most of the natives and their families—offspring of persons encouraged to settle on the Treaty shore by the French fishermen for their own convenience.

These factories have been the means of raising the people above the awful destitution that previously prevailed, and if the lobster industry were suddenly curtailed to the extent it would be by adopting the methods you propose, these natives, driven to desperation, with starvation at their door, would certainly cause those conflicts which your proposition professes to prevent. The fishermen who catch the lobsters are almost entirely natives, the number of people employed who do not reside here is very small, and all return to their homes at the end of the lobster season.

Furthermore, my instructions do not allow of any such measures as you wish taken with reference to the English factories in question, nor do they allow of the removal of English lobster-traps in order that they may be supplanted by those of the French.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 15 in No. 152.

Captain Maréchal to Captain Sir B. Walker.

M. le Commandant, *Havre de York, le 12 Juin*, 1889.

JE ne voudrais abuser ni de votre temps ne de la cordialité des relations que nous entretenons, mais qu'il me soit permis de vous adresser encore quelques mots pour défendre les Français contre les reproches que votre lettre semble vouloir leur adresser.

Personne plus que les Français n'ont, je crois, pris à cœur la situation des résidents de la côte de Terre-Neuve. Les excellentes relations qui ont toujours existé entre nos pêcheurs et les gardiens de leurs habitations, et le *modus vivendi* accepté de part et d'autre depuis de longues années en sont des preuves irrécusables. Je pourrais même mettre en ligne mon expérience personnelle de la côte, et affirmer que j'ai vu de pauvres malheureux pêcheurs Anglais venir s'établir dans certains havres, sans que les Français aient trouvé pour combattre cette illégalité d'autres paroles que des paroles de commisération.

Si le nombre des résidents est aussi considérable aujourd'hui, il est de notoriété publique que les guerres qui ont pendant certaines périodes éloigné nos pêcheurs de cette côte, ont permis à un grand nombre d'habitants de venir s'y implanter, sans qu'ils aient été aucunement attirés par nous.

Notre intention n'est donc nullement de les traiter aujourd'hui avec moins de ménagements.

C'est contre l'accumulation de ces résidents dans les centres exploités par nos pêcheurs que je m'élève avant tout. C'est cette accumulation qui n'est pas normale, qui renverse le *modus vivendi* adopté, et qui lèse gravement les intérêts de nos hommes dont la situation, permettez-moi de vous le dire, est non moins intéressante que celle des résidents, puisqu'ils quittent leurs foyers et leurs familles pour venir ici gagner péniblement leur subsistance et celle de tous les leurs.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

Sir, *York Harbour, June* 12, 1889.

I DO not wish to trespass upon your time, nor to presume upon the cordiality of our relations, but I beg leave to say a few words in defence of the French against the reproaches which your letter seems to make.

No one, I think, more than the French has at heart the position of the inhabitants of the Newfoundland coast. The excellent relations which have always existed between our fishermen and the caretakers of their houses, and the *modus vivendi* for many years accepted by both sides, prove this conclusively. I could even point to my personal experience on the coast, and affirm that I have seen poor, miserable British fishermen establish themselves in certain harbours, without the French having used other but words of pity in the face of these illegal proceedings.

If the number of inhabitants is so great at this moment, it is notoriously due to the fact that the wars, which during certain periods removed our fishermen from this coast, have allowed a great number of inhabitants to obtain a footing there, without having in any way been called in by us.

It is therefore by no means our intention to treat them to-day with less consideration.

It is against the growing numbers of these inhabitants in the fishing centres of our fishermen that I above all protest. It is this accumulation which is abnormal, which upsets the *modus vivendi* hitherto accepted, and which seriously threatens the interests of our men, whose position, allow me to point out, is no less deserving of considerationthan that of the inhabitants, since they leave their homes and families in order to come here and gain a laborious livelihood for themselves and their families.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 16 in No. 152.

Captain Walker to Captain Maréchal.

Sir, *"Emerald," at York Harbour, June* 12, 1889.

I HAVE the honour to acknowledge the receipt of your letter, and would at the same time thank you for the kind interest which you are good enough to express in the condition of the inhabitants of the Treaty shore.

Our cordial relations, coupled with these sentiments, will, I am sure, materially lessen the difficulties now under consideration.

have, &c.
(Signed) B. W. WALKER.

No. 152*.

Governor Sir T. O'Brien to Lord Knutsford.—(*Received at the Foreign Office, August* 23.)

Government House, St. John's, Newfoundland,
(Extract.) *August* 3, 1889.

IN compliance with your Lordship's despatch of the 18th ultimo, I have the honour to forward a letter from the Assistant Collector of Customs at this port, as well as copies of Notices that have been published relative to the proper marking of all Newfoundland vessels under the Merchant Shipping Act; the last having been issued by my special order.

I now purpose having the Notices above alluded to republished with a further clause drawing attention to 17 & 18 Vict., cap. 104, sec. 19, rendering the registration of British ships, with certain exceptions, compulsory; which I hope will meet the case as far as is now possible.

In submitting your Lordship's despatch of the 31st May last* for the most serious consideration of the Executive Council, I did so in the strongest possible manner; and though I know it is too late now to expect action this year, I, at the last sitting of that body, inquired what course they proposed to adopt, when the Attorney-General

* No. 146.

said that the Ministry was preparing a reply, and repeated that as legislation would be required, and the Assembly is dissolved, nothing could be done until the new House meets in February next.

In any case your Lordship may rest assured that, as far as I am personally concerned, my fullest, most constant and earnest endeavours have been, and will be, given to insure the attainment of the object desired by Her Majesty's Government, which I see must be an essential preliminary to any satisfactory arrangement being come to with the French. At the same time, it is needless for me to observe that under a responsible Government the powers of the Governor are very limited indeed in such matters.

Inclosure 1 in No. 152*.

Mr. Noonan to the Colonial Secretary.

Sir, *Customs, Newfoundland, St. John's, August* 2, 1889.

I HAVE the honour to state, for the information of his Excellency the Governor, in reply to a letter addressed to you under date the 1st August instant, inclosing copy of despatch from the Secretary of State for the Colonies on the subject of the enforcement of the provisions of the Merchant Shipping Act respecting the marking of vessels—

2. That copies of inclosed Circulars have been forwarded to the Customs officials in the different outports of the island, as also to owners of vessels residing in St. John's, Harbour Grace, and Carbonear.

3. That the attention of Surveyors of Shipping has been called to that part of their instructions having reference to the matter referred to in said Circulars.

4. That during the past month the Custom-house boat at this port has been employed in boarding schooners on their arrival with the view of seeing that the law has been complied with.

5. Referring to the concluding part of his Lordship's despatch, I beg to say that this Department has received no reports which would lead to the conclusion that the instructions had not been, as far as possible, carried out.

I have, &c.

(Signed) JAS. L. NOONAN,
Assistant Collector.

Inclosure 2 in No. 152*.

Public Notice.

THE following section from the Merchant Shipping Act is published for general information and guidance:—

"Section 34. Every British ship registered after the passing of this Act shall, before registry, and every British ship registered before the passing of this Act shall, on or before the 1st day of January, 1874, be permanently and conspicuously marked to the satisfaction of the Board of Trade as follows:

"Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground, in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than 4 inches and of proportionate breadth.

"Her official number and the number denoting her registered tonnage shall be cut in on her main beam.

"A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures not less than 6 inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby. Such letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

"The Board of Trade may, however, exempt any class of ships from the requirements of this section, or any of them.

"If the scale of feet showing the ship's draught of water is in any respect inaccurate,

so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding 100*l.*

"The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1873.

"Any owner or master of a British ship, who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall, for each offence, incur a penalty not exceeding 100*l.*, and any officer of Customs, on receipt of a certificate from a Surveyor or Inspector of the Board of Trade that a ship is insufficiently or inaccurately marked, may detain the same until the insufficiency or inaccuracy has been remedied."

(Signed) M. FENELON, *Colonial Secretary.*

Secretary's Office, February 19, 1889.

Inclosure 3 in No. 152*.

Notice.

THE attention of owners and masters of vessels is called to the following extracts from "The Merchant Shipping Act, 1873," and all officers of Customs are to see the same strictly enforced:—

"Every British ship registered after the passing of this Act shall, before registry, and every British ship registered before the passing of this Act shall, on or before the 1st day of January, 1874, be permanently and conspicuously marked to the satisfaction of the Board of Trade as follows:—

"Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than 4 inches and of proportionate breadth.

"Any owner or master of a British ship who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, ... shall for each offence incur a penalty not exceeding 100*l.*"

(Signed) ROBERT THORBURN,
Acting Registrar of Shipping.

Registrar of Shipping Office, Custom-House, St. John's, Newfoundland, October 16, 1888.

No. 153.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, September* 2, 1889.

I TRANSMIT to your Excellency herewith copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and Captain Antoine, of the French vessel of war "Bisson," relative to the action of the latter in removing lobster-traps belonging to British subjects on the shores of Keppel Island during the temporary absence of the British cruizers from the spot."*

Sir B. Walker thought it his duty to protest against the action of the French Commander, and it appears to Her Majesty's Government that his complaint was well founded.

It is argued by Captain Antoine that the traps in question were set upon ground which had been forbidden to British subjects by the British Commander last year; but it appears that in the present season the French fishermen have not occupied the spot, nor has any complaint been made that their operations were interfered with by the traps in question.

There were, therefore, no circumstances of an urgent character to call for immediate

* No. 152.

or exceptional steps, and even if such had been the case, Captain Antoine might have ascertained on inquiry that one of Her Majesty's vessels was in the neighbourhood, and expected shortly to arrive.

I should wish you to call the attention of the French Government to the matter, pointing out the illegality of such interference with British subjects by a French naval officer. You may, however, add that, while thinking it right to draw attention to the incident, Her Majesty's Government gladly acknowledge the excellent relations existing between the British and French naval officers, and hope that no fresh difficulty will occur of this nature.

I am, &c.
(Signed) SALISBURY.

No. 154.

Mr. Elliot to the Marquis of Salisbury.—(*Received September* 14.)

My Lord, *Paris, September* 13, 1889.

I HAVE the honour to transmit herewith to your Lordship a copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 2nd instant, I have addressed to the French Minister for Foreign Affairs on the subject of the removal of lobster-traps belonging to British subjects on the shores of Keppel Island, by the Commander of the French war-vessel "Bisson."

I have, &c.
(Signed) F. ELLIOT.

Inclosure in No. 154.

Mr. Elliot to M. Spuller.

M. le Ministre, *Paris, September* 13, 1889.

HER Majesty's Government have received copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and Captain Antoine, of the French vessel of war "Bisson," relative to the action of the latter in removing lobster-traps belonging to British subjects on the shore of Keppel Island during the temporary absence of the British cruizers from the spot on the 15th June last.

It will be seen from this correspondence, of which copies are doubtless in the possession of the Government of the Republic, that Sir B. Walker thought it his duty to protest against the action of the French Commander, and it appears to Her Majesty's Government that his complaint was well founded.

It is argued by Captain Antoine that the traps in question were set upon grounds which had been forbidden to British subjects by the British Commander last year; but it appears that in the present season the French fishermen have not occupied the spot, nor has any complaint been made that their operations were interfered with by the traps in question.

There were therefore no circumstances of an urgent character to call for immediate or exceptional steps, and even if such had been the case Captain Antoine might have ascertained, on inquiry, that one of Her Majesty's vessels was in the neighbourhood, and expected shortly to arrive on the spot.

I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to call the attention of the Government of the Republic to this matter, and to point out the illegality of such interference with British subjects by a French naval officer. I am, however, to add that, while thinking it right to draw attention to the incident, Her Majesty's Government gladly acknowledge the excellent relations existing between the British and French naval officers in Newfoundland waters, and hope that no fresh difficulty will occur of this nature.

I have, &c.
(Signed) F. ELLIOT.

No. 155.

Colonial Office to Foreign Office.—(*Received October* 11.)

Sir, *Downing Street, October* 11, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing a letter, with several inclosures, from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," respecting the raising of lobster-traps by boats belonging to the French Government vessel "Drac," in St. Margaret's Bay, Newfoundland.

This case resembles the previous case of the removal of traps off Keppel Island, which formed the subject of your letter of the 1st instant, and Lord Knutsford thinks that it calls for a further remonstrance on the part of Her Majesty's Government. The traps appear not only to have been removed when a British man-of-war was in the neighbourhood, but were removed to make way for French traps, and, when raised, were placed on the shore below high-water mark, in consequence of which many of them were injured or destroyed.

Lord Knutsford fears that such acts, if continued by officers of the French Government, may lead to serious complications, and he would suggest, for Lord Salisbury's consideration, whether this might not be pointed out to the French Government.

It would seem also deserving of consideration whether some intimation should not be conveyed to the French Government that a claim to compensation will be made on account of these lobster-traps as soon as the full particulars of the damage done have been ascertained.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 155.

Admiralty to Colonial Office.

Sir, *Admiralty, September* 19, 1889.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, a letter dated the 3rd September, with its eight inclosures, from Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," respecting the raising of lobster-traps by the "Drac's" boats in St. Margaret's Bay.

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 2 in No. 155.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald,*" *at St. John's, September* 3, 1889.

I HAVE the honour to forward the correspondence which has taken place owing to the action of the French aviso "Drac" in St. Margaret's Bay, when the lobster-traps of the men employed by Mr. Shearer's factory in Brig Bay were lifted by the "Drac's" boat, and placed on the beach without taking into consideration the state of the tide, the fishermen of the French factory immediately placing their traps on the ground which had been occupied by the English.

2. The justification of this action on the part of the French is rested on the French Commodore's assumption that I had accepted the line of demarcation which he proposed to me on two occasions, on each of which I informed him in so many words that I did not recognize the French right under the Treaty to the lobster, but that I was anxious in their regular mode of fishing to do all in my power to prevent interference. I also, when he showed me the lines he proposed, especially with reference to St. Margaret's Bay, remarked that if I were to accept them there would be nothing left for us, and I again informed him that I could not recognize their right to the lobster.

3. In further conversation he impressed on me that the traps interfered with the taking of bait about Port Saunders, and that at John Meagher's Cove he was particularly

desirous that the Castors Rivers should be clear, and it was on taking leave after the above conversation that I impressed on him that I would promise nothing, but that I was going north, and would inquire into the matter.

4. So as to admit of no mistake as to my meaning, I said in my letter, which was sent after the conversation above referred to, that each case as it arises must be dealt with on its merits.

5. On my going north I gave certain limits at Port Saunders and John Meagher's Cove, as in both places the legitimate French fishing operations might have been interfered with had lobster-traps been set on the forbidden ground, and these restrictions were duly communicated to the French cruizer; but at St. Margaret's Bay there is no fishing, except at New Ferolle, the lobster industry being the only employment, and, therefore, no demarcation was necessary.

6. The fishing in New Ferolle is carried on by French vessels, who fish "en dégrat," and would be settled by the English cruizer on the coast as the necessity arose.

7. The French vessels which come to New Ferolle, owing to the badness of the season, gave up the fishing quite early, before any question arose.

8. Under the above circumstances I am at a loss to understand how Commodore Maréchal could have, for one instant, supposed that I had even contemplated accepting his proposals, especially as Captain Antoine had asked Captain Russell with respect to St. Margaret's Bay, and was informed that no demarcation existed.

9. I would further add that, in my conversation with Captain Reculoux, the acceptation of any demarcation at all is endeavoured to be turned into an acknowledgment by me of the lobster-catching on the part of the French.

10. The men employed by the French factory at Brig Bay commenced lobster-catching three days before the English, and were thus enabled to take their choice of ground without interference. Just previous to the arrival of the "Drac" the number of men at St. Margaret's Bay was supplemented by some men with their traps being transferred from the grounds occupied about Old Ferolle and Brig Bay to St. Margaret's, and as the English employed about the same grounds were obtaining fair catches, it is difficult to arrive at the benefit which would accrue from this transfer.

11. In that portion of the Commodore's letter of the 29th July in which he remarks that "as far as the case in question is concerned, it in no way affects the normal residents on this shore, but it does strangers to Newfoundland, &c.," I would point out that, although the traps lifted in all but one case belonged to Nova Scotian men, yet the indirect result of the loss in catch would affect the normal residents employed both directly and indirectly.

12. The statement that the operation of landing the traps of Mr. Shearer was carried out with care and order does not agree with the Report made by Commander Russell, nor with the inquiries I personally made at St. Margaret's Bay shortly after the incident; that they were intact at the time of landing may have been the case, but that they were placed without regard to the state of the tide is, I think, indisputable; also that the operation of landing the traps was not completed till late on the evening of the 20th; and that a breeze strong enough to prevent the "Lily" going to the anchorage in St. Margaret's Bay was blowing at 5 P.M. on the 21st, thus disposing of the accuracy of the statement that the storm occurred after two days.

With reference to the complaint against the steam-ship "Neptune," the interference was prospective, and not actual, as, after investigation, I am informed that there were no French fishing or desirous of doing so at the actual time when the occurrence referred to took place.

Complaints are constantly made by the French officers against the employés of Mr. Shearer's factories. I am of opinion, after very careful inquiry, that in many instances it is the result of misunderstanding. In one case especially, that Commander Russell and myself investigated, we came to this conclusion. That they do not pay the same deference to the French officers that these officers receive from their own fishermen is undoubted, but I believe that the same respect is shown to them as to the English officers, the manners of the employés being at all times off-hand.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 155.

Captain Reculoux to Captain Sir B. Walker.

Division Navale de Terre-Neuve,
"Drac," le 24 Juillet, 1889.

M. le Commodore,

J'AI l'honneur de vous informer que, le 18 Juillet, à 6 heures du matin, j'ai mouillé dans la Baie de Sainte-Marguerite, où les pêcheurs Anglais et Français se livrent à la pêche du homard.

Aussitôt au mouillage, j'ai visité le terrain de pêche de la partie de cette baie réservée aux Français, pour m'assurer qu'il n'était plus occupé par les casiers de la factory Anglaise de Brig Bay ; le Commodore Maréchal après entente avec vous, ayant prévenu, le 11 Juillet, le gérant de cet établissement, Mr. Shearer, d'avoir, en raison de la nouvelle disposition prise, à retirer ses casiers de ce terrain.

Mr. Shearer n'avait tenu aucun compte de l'avertissement que lui avait été donné et les nombreux casiers de sa factory occupaient encore les places attribuées aux pêcheurs Français ne permettant pas à ces derniers d'y mettre les leurs. J'ai, en conséquence, écrit immédiatement à Mr. Shearer, pour le prier de nouveau de retirer ses casiers et le prévenir que, en l'absence de tout croiseur Anglais, je serais obligé de le faire relever moi-même s'il persistait, au dela du 24, à les laisser en place.

Je me suis, en outre, rendu à la factory Anglaise, où il m'a été dit que Mr. Shearer et son représentant étaient absents. Les employés de cette factory qui m'ont donné ce renseignement ont ajouté que le "Lily" devait venir le lendemain à Brig Bay, c'est-à-dire, le 19 Juillet.

J'ai alors pris la résolution d'attendre jusqu'au 20 Juillet l'arrivée de cette canonnière, et c'est en ne le voyant pas paraître ce jour que je me suis déterminé à supprimer l'obstacle qui troublait nos pêcheurs et les empêchait d'exercer leur industrie.

Les casiers ont été relevés avec le plus grand ménagement, sous la surveillance des officiers du "Drac" et remis à terre à leurs propriétaires ou aux employés de la factory Shearer.

Je suis parti de la Baie de Sainte-Marguerite le 21 Juillet pour me rendre à l'Ile Saint-Jean, où le "Lily" a mouillé quelques instants après le "Drac."

J'ai aussitôt rendu compte, par lettre, au Commandant du "Lily" de l'incident qui venait de se produire à Sainte-Marguerite.

Le Commandeur Gerald W. Russell a répondu à ma lettre—

1. En protestant contre mon intervention pour faire lever les casiers à homards de la factory Shearer.

2. En m'annonçant qu'il allait informer les pêcheurs de cette factory qu'ils avaient la liberté de continuer leur industrie, comme d'habitude, jusqu'au moment où ils recevraient un ordre contraire d'un des officiers des navires de Sa Majesté Britannique.

Ces deux observations m'ont surpris parce qu'elles sont en désaccord avec les sentiments d'équité que j'ai toujours pratiqués, sur cette côte, envers les pêcheurs des deux nations.

Elles me conduisent, M. le Commodore, à avoir l'honneur de vous dire—

1. Que je suis conforme, en relevant les casiers de la factory Shearer, aux usages traditionnels de la pêche sur cette partie de la côte de Terre-Neuve réservée aux Français.

J'ai toujours, en l'absence des croiseurs de Sa Majesté Britannique, supprimé l'obstacle qui empêchait les Français d'exercer librement le droit de pêche qui leur est garanti par les Traités, et jamais aucune protestation ne m'avait encore été faite par les Commandants de ces croiseurs.

2. Que je proteste énergiquement contre l'autorisation donnée aux pêcheurs de la factory Shearer de replacer leurs casiers sur un terrain qui, par de nouvelles Conventions semblables à celles qui sont appliquées et que vous faites respecter dans la Baie d'Ingarnachoix et à l'Anse de Castors, est exclusivement attribué aux pêcheurs Français.

J'ai l'honneur de vous prier, M. le Commodore, de vouloir bien m'informer de votre décision relative à cet incident, afin que je puisse en rendre compte à mon Chef de Division Navale dans le plus bref délai.

J'ai, &c.
(Signé) A. RECULOUX.

(Translation.)

Sir,

Newfoundland Naval Squadron, "Drac," July 24, 1889.

I HAVE the honour to inform you that on the 10th July, at 6 o'clock in the morning, I anchored in St. Margaret's Bay, where the English and French fishermen pursue the lobster fisheries.

Immediately after coming to anchor, I visited the fishing grounds of that part of the bay reserved for the use of the French, in order to assure myself that they were no longer occupied by the traps of the English factory at Brig Bay, Commodore Maréchal having, in understanding with yourself, warned Mr. Shearer, the manager of that establishment, on the 11th July, that he must withdraw his lobster traps from the place, in accordance with the new Regulation made.

Mr. Shearer had taken no notice whatever of the warning given to him, and the numerous lobster traps of his factory still occupied the spots allotted to the French fishermen, not permitting the latter to place their own there. I, in consequence, wrote at once to Mr. Shearer, requesting him again to remove his traps, and warning him that, in the absence of all English cruizers, I should be obliged to have them raised myself if he persisted in leaving them in these places after the 24th.

I, moreover, went to the British factory, where I was told that Mr. Shearer and his representative were away. The men of the factory, who gave me this information, added that the "Lily" was due at Brig Bay the following day, that is to say, the 19th July.

I then resolved to wait till the 20th July for the arrival of that gun-boat, and it was only when I did not see her arrive that day that I determined to remove the obstacle which impeded our fishermen, and prevented them from carrying on their industry.

The traps have been raised with the greatest care, under the supervision of the officers of the "Drac," and handed over, on shore, to their proprietors, or the people belonging to Mr. Shearer's factory.

I left St. Margaret's Bay on the 21st July, to proceed to St. John's Island, where the "Lily" anchored a few moments after the "Drac."

I at once informed the Commander of the "Lily" of the incident which had just occurred in St. Margaret's Bay.

Commander Russell replied to my letter—

1. By protesting against my intervention in raising the lobster traps of the Shearer factory.

2. By acquainting me that he would inform the fishermen of that factory that they were at liberty to continue their operations as usual until they received an order to the contrary from one of the officers of Her Britannic Majesty's ships.

These two observations astonished me, as they are in contradiction to the ideas of equity which I have always acted on towards the fishermen of both nations on this coast.

They induce me to submit to you—

1. That in raising the traps of the Shearer factory I acted in accordance with the traditional usages of the fisheries on that part of the Newfoundland coast which is reserved for the use of the French. I have always, in the absence of British cruizers, removed any obstacle which prevented the French to freely exercise their right to fish guaranteed to them by the Treaties, and no protest has ever been made to me by the Commanders of such cruizers.

2. That I protest formally against the authority given to the fishermen of the Shearer factory to reset the traps on a spot which, by virtue of recent Conventions, similar to those which apply and which you enforce at Ingarnachoix Bay and Castors River, is exclusively assigned to the French fishermen.

I have the honour to request you to be so good as to inform me of your decision on this point, in order that I may report it, with as little delay as possible, to the Chief of our Naval Station.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 4 in No. 155.

Captain Sir B. Walker to Captain Reculoux.

Sir, "*Emerald*," *at Port Saunders, July* 25, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 24th July, informing me of your action in St. Margaret's Bay, and desire to thank you for the explanations you are good enough to give relative thereto.

With reference to your first observations on the letter of protest addressed to you by Commander Russell, I would inform you that that officer was only acting in accordance with his instructions in offering the protest he did, and this, I believe, has

been done whenever such interference has come to the knowledge of the Senior Officer. I would also point out that the industry for which you claim the right, viz., that of catching and canning lobsters, is not one accorded by Treaty, and the English lobster-traps were not therefore interrupting the French in the legitimate exercise of their fishing operations.

As regards the second, in which you strongly protest against the authority given to the fishermen to "replace their traps on the grounds which, by the new agreement, similar to those which apply to and which you have enforced in Ingarnachoix Bay and Castors River, is exclusively granted to the French fishermen," I have the honour to point out that no such line of demarcation with reference to St. Margaret's Bay has ever been accepted by me. In answer to the letter of Commodore Maréchal of the 11th June, in which he refers to a *modus vivendi* he verbally suggested to me, my reply of the 12th June was as follows: "That each case as it arises must be dealt with on its merits, and that it will be my earnest endeavour, and that of the officers serving under me, to meet these difficulties in a conciliatory spirit;" and in the same letter I added that "my instructions do not allow of the removal of English lobster-traps in order that they may be supplanted by those of the French."

I regret that Commodore Maréchal should have so misunderstood the purport of my correspondence with him as to imagine that I had accepted, either verbally or in writing, the *modus vivendi* he proposed, and at the same time I wish to call attention to the fact that any restrictions or modifications of previous arrangements of the grounds occupied by English lobster-traps, as in the case of Port Saunders and John Meagher's Cove, have been communicated in writing to the officer in command of the French cruizer, in order that no misapprehensions on the subject should exist as to what portions of the coast were prohibited.

Under the circumstances of the unfortunate misunderstanding which has caused this regrettable incident, you will, I am sure, do all in your power to rectify the consequences of your action. I would therefore ask you to give orders to the fishermen employed by the French factories not to interfere with the English traps.

I may add that, although I am desirous of doing all in my power to prevent any interruption to the legitimate claims of the French fishermen, at the same time I cannot entertain the proposal to raise English lobster-traps in order that they may be supplanted by those of the French. I have therefore given permission for the resetting of the traps lifted by your orders, on the ground previously occupied by them, but they have sustained such considerable damage owing to their having been placed on the shore below high-water mark, and the strong north-east wind which prevailed on the 21st instant, that many of them will not be ready for use for some days.

The traps lifted are now being reset on the outer edge of the bank in unoccupied water, and there is no reason why the fishermen of the two nations should not carry on their occupation in harmony with one another for the remainder of the present season. I feel sure if you will kindly use your influence in this direction there will be no further trouble.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 5 in No. 155.

Captain Sir B. Walker to Captain Maréchal.

Sir, "*Emerald*," *at Port Saunders, July* 25, 1889.

I HAVE the honour to inform you that in a letter addressed to me by M. le Capitaine de Frégate Reculoux, with reference to a previous correspondence that had taken place between him and Commander Russell as to the lifting of English lobster-traps in St. Margaret's Bay by the "Drac," I was surprised to see stated in the letters both to myself and Commander Russell that the *modus vivendi* which you verbally proposed, and which you also alluded to in your letter of the 11th June, had been accepted by me.

I much regret that I did not state my views sufficiently clearly to you, but my letter of the 12th June was sent after our conversations on this subject had taken place.

In the letter referred to I stated that my instructions did not admit of the supplanting of English lobster-traps by those of the French. On the morning of the 12th, and previous to sending my letter, I called on you and asked you to be good enough to show me the

lines of demarcation as proposed by you, but this can hardly be construed into the acceptance of such an important concession of British rights.

I would point out the fact that any restrictions or modifications of previous arrangements of the grounds occupied by English lobster-traps, as in the case of Port Saunders and John Meagher's Cove, have always been conveyed in writing, in your absence, to the Commander of the French cruizer, in order that no misapprehension on the subject as to what portions of the coast were prohibited should exist; I therefore cannot see that I have in any way given grounds for the supposition that I acceded to your proposal with reference to St. Margaret's Bay.

I again repeat that I am desirous of doing all in my power to prevent any interference with the legitimate claims of the French fishing operations, as conceded by Treaty; at the same time I cannot entertain the proposal to raise English lobster-traps in order that they may be supplanted by those of the French.

In my endeavour to meet your views as far as possible, as shown by the restrictions placed on the factories at Port Saunders and John Meagher's Cove, so as to prevent there being any just cause of complaint, this action of mine apparently is construed into an acceptance of the whole *modus vivendi*.

In the case of John Meagher's Cove, the line you proposed was adopted, as you represented to me that you were especially desirous that the Castors River should be clear of traps, in order to prevent any interference with the French fishing. At Port Saunders the restrictions were made to insure the seining for bait being carried on without interruption, and a boat was stationed there in order to enforce all lobster traps-being lifted immediately the French were desirous of occupying the waters.

Captain Antoine verbally asked Commander Russell about the division of St. Margaret's Bay, as proposed by you, and was informed that no instructions to that effect had been given to him by his Senior Officer. This was after the arrangements at Port Saunders and John Meagher's Cove had been communicated to Captain Antoine in writing, thus clearly showing that had the *modus vivendi* proposed by you with reference to St. Margaret's Bay been accepted, a communication in writing would have been sent to the Captain of the French cruizer, in your absence, informing him of the division of grounds in question.

The English traps that have been lifted are being reset in unoccupied waters, and there is no reason why the men of the two nations should not continue their industry without any dispute arising.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 6 in No. 155.

Captain Maréchal to Captain Sir B. Walker.

Croiseur "La Clocheterie," Baie de l'Ariège, le 29 Juillet, 1889.

M. le Commandant,

J'AI l'honneur de vous accuser réception de la lettre que vous m'avez adressée de Port Saunders le 25 Juillet.

Le Commandant du "Drac" et du "Bisson" m'ont donné connaissance de la correspondance qu'ils ont échangée avec vous et avec le Commandant du "Lily," au sujet des divers incidents de pêche qui ont eu lieu depuis la date de notre dernière rencontre, le 12 Juin, au havre de York, et je profite de cette occasion pour vous en entretenir à mon tour.

Je m'empresse de reconnaître que vous n'avez pris aucun engagement vis-à-vis de moi; qu'à notre dernière entrevue vous avez même insisté verbalement sur ce que vous ne promettiez rien en ce qui concernait la délimitation de fonds de pêche que je vous proposais comme une transaction équitable écartant tout conflit et permettant à nos Gouvernements respectifs de rechercher impartialement la solution des difficultés existants à Terre-Neuve au sujet de pêcheries.

Vous ajoutiez que vous remontiez dans le nord et que vous verriez.

Depuis, vous m'avez informé par écrit que vous engagiez vos pêcheurs à observer les délimitations à Port Saunders et à l'Anse de John Meagher's Cove, et j'en avais conclu bien à tort, je le vois, qu'il devait en être de même pour Sainte-Marguerite.

Je n'avais pas pris garde à votre silence au sujet de cette baie et lorsque, le 11 Juillet, j'ai été saisi de la plainte du Capitaine Philippe, auquel les pêcheurs de

Mr. Shearer ne laissent dans cette baie qu'une place ridiculement petite, je n'ai pas hésité à invoquer de bonne foi ce que j'appelais votre Convention, et à prier Mr. Shearer de faire retirer les casiers qu'il avait dans les anses ouest, sud, et sud-est de Sainte-Marguerite. Je confesse, M. le Commandant, que mon désir de concilier tous les intérêts m'a fait prendre pour une réalité ce qui n'était qu'une espérance, mais il serait juste de reconnaître d'autre part que le peu de cas fait par Mr. Shearer des réclamations des croiseurs Français a rendu mon erreur bien inoffensive.

Je vous remercie de la nouvelle affirmation que vous voulez bien me faire de votre désir d'user de tout votre pouvoir pour empêcher que les pêcheurs Français soient gênés dans le légitime exercice du droit de pêche qui leur est concédé par les Traités, et j'espère en conséquence que vous voudrez bien prendre en considération la protestation suivante que j'ai le vif regret d'avoir à vous adresser.

Je ne puis accepter comme définitif la mesure qui vient d'être prise à l'égard de nos pêcheurs de Sainte-Marguerite. J'affirme qu'elle leur impose un trouble considérable dans l'exercice de leur industrie et qu'en conséquence elle viole manifestement leur droit et est en contradiction formelle avec les promesses contenues dans la déclaration faite le 28 Mars dernier par son Excellence Lord Salisbury à notre Ambassadeur à Londres. Je vous demande, M. le Commandant, de vouloir bien user de votre autorité pour obliger Mr. Shearer à laisser à nos pêcheurs la libre exploitation des anses ouest, sud, et sud-est de cette baie, qui leur sont absolument nécessaire. J'insiste sur la modération de ma demande comparée à l'étendue des droits qui nous sont garantis par les Traités.

J'insiste enfin sur les mesures conciliantes que je vous avais proposées au début de la campagne, et qui offrent un contraste frappant avec celle qui jette le trouble parmi les pêcheurs Français de Sainte-Marguerite en lésant tous leurs intérêts.

J'avais eu l'honneur de vous déclarer verbalement au début de la campagne que je poussais la modération au point de ne réclamer pour nos pêcheurs que les espaces qui leur étaient strictement indispensables cette année, et cela, afin de permettre aux résidents Anglais de profiter le mieux possible des espaces inoccupés.

Vous m'avez informé, M. le Commandant, que les casiers levés sur mon ordre, par le Commandant du " Drac," allaient être replacés dans des endroits inoccupés. Vous me permettrez de vous prier de constater qu'au contraire ces endroits sont parfaitement occupés par nos pêcheurs, et d'insister sur ce que les casiers Anglais ne troublassent la pêche des Français, à laquelle ils causeront un préjudice considérable. Il est clair, autant que ce qui passe sous l'eau peut tomber sous les sens de ceux qui vivent à la surface, que les engins de pêche concurrents étant aussi rapprochés, le poisson qui sera pris dans les casiers Anglais aurait été en leur absence dans les casiers Français.

Il m'est impossible de ne pas vous faire un acquis en outre qu'il est difficile de concevoir que le droit de juger de la gêne qu'éprouvent nos pêcheurs et de l'espace qui leur est nécessaire sont exercé par leur concurrents, dont les opérations sur les fonds de pêche occupés par les Français sont d'ailleurs illégales. J'estime que la manière dont les pêcheurs Anglais veulent imposer leur concurrence à Sainte-Marguerite trouble les opérations de nos pêcheurs et lèse gravement leurs intérêts.

Je considère qu'aujourd'hui encore la séparation des fonds de pêche dans la Baie Sainte-Marguerite telle que je vous la demandais dejà le 11 Juin est la seule solution acceptable et conforme au désir de paix et de concorde qui anime le Gouvernement Français.

L'action du "Drac" à Sainte-Marguerite n'a été qu'une simple mesure de police de pêche destiné à supprimer l'obstacle qui gênait la pêche des Français. L'exercice de cette police n'est pas nouveau à Terre-Neuve et ne saurait avoir le caractère grave que vous semblez lui attribuer. Je serais désolé de voir le débat s'engager sur un autre terrain que l'esprit de conciliation qui anime les officiers servant sous mes ordres leur fait toujours éviter.

Je ne crois pas que les croiseurs Français aient demandé le relèvement de casiers Anglais pour avoir la satisfaction d'y substituer des casiers Français. Nos réclamations s'inspirent d'un ordre d'idées plus général.

Mr. Shearer, en s'établissant pour pêcher sur les fonds de pêche qui nous sont réservés par les Traités savait en venant s'installer quels étaient les risques qu'il courrait et connaissait la servitude dont tout le terrain de pêche qu'il exploite est affecté, Quelle que soit le temps depuis lequel il jouit de son exploitation, les engagements solennels des Traités existants entre les Gouvernments de la Grande-Bretagne et de la France lui enlèvent toute possibilité de prétendre à un droit de premier occupant. Ni le temps ni la volonté d'une seule des parties qui ont signé le Contrat ne peuvent lui donner ce droit. La justice exige qu'il se retire purement et simplement, la modération et la conciliation qu'il se retire seulement au fur et à mesure de l'occupation effective des fonds de pêche

par les Français dont ni le nombre des pêcheurs ni le nombre des engins de pêche n'a été limité par les Traités.

Je tiens à bien spécifier que pour le cas particulier qui nous occupe il ne s'agit nullement de résidents établis normalement sur la côte, mais bien d'étrangers à Terre-Neuve et de résidents accumulés par des spéculateurs pendant la saison de pêche sur les points où les Français ont le droit d'exercer leur industrie. Et j'ajouterai que la pêche ainsi conduite ravage les fonds attribués aux Français et par cela seul lèse gravement leurs intérêts ainsi que ceux des résidents eux-mêmes d'ailleurs.

Pour clôre cette protestation j'affirme que l'opération de la mise à terre des casiers de Mr. Shearer a été faite avec soin et ordre sous la surveillance de deux officiers et d'un aspirant du "Drac." Les casiers ont été placés intacts sur la grève devant les agents de Mr. Shearer, qui sont seuls responsables des avaries que le coup de vent survenu deux jours après a pu leur infliger.

Je profite de cette occasion pour attirer votre attention, M. le Commandant, sur l'infraction commise par le vapeur le "Neptune" de Saint-Jean de Terre-Neuve, venu à Port Saunders pour y chercher du bois pour ses établissements de pêche de Labrador. Ce bâtiment, secondé par un ou plusieurs pêcheurs Anglais, parmi lesquels se trouvait le Sieur Atkins, établi à Gargamelle, a opéré le 10 Juin avec un personnel très nombreux une véritable rapte de boëtte sur les platiers de Gargamelle réservés à la pêche des Français. Nos banquiers de Nouveau Port-au-Choix ont ce jour même manqué de boëtte et s'en sont vivement plaints.

Je ne voudrais pas trop insister sur un pareil fait, qu'il était difficile de prévoir et de prévenir, mais il indique combien ma réclamation au sujet de l'Anse Gargamelle était fondée et jusqu'à quel point on se croit autorisé aujourd'hui à méconnaître les stipulations de Traités. Il est vraiment désirable que des mesures équitables soient adoptées pour rappeler au respect des engagements pris tous ceux qui sont si tentés de les oublier.

Agréez, &c.

(Signé) A. MARÉCHAL.

(Translation.)

Cruizer "La Clocheterie," Ariège Bay,
July 29, 1889.

Sir,

I HAVE the honour to acknowledge the receipt of the letter you addressed to me from Port Saunders on the 25th July.

The Commanders of the "Drac" and of the "Bisson" have acquainted me with the correspondence they exchanged with you and the Commander of the "Lily" on the subject of various fishery incidents which have occurred since the date of our last meeting, on the 12th June, in York Harbour, and I take this opportunity of now myself addressing you on this subject.

I hasten to acknowledge that you entered into no engagement with me; that at our last interview you even laid stress verbally on the fact that you gave no promises with respect to the delimitation of fishery grounds which I proposed to you as being an equitable compromise, which would avert any dispute, and allow our respective Governments to seek impartially a solution of the difficulties existing in Newfoundland on the subject of the fisheries.

You added that you were going northwards and would think it over.

You have since informed me, in writing, that you were advising your fishermen to keep within the boundaries at Port Saunders and John Meagher's Cove, and from that I concluded, wrongly as I now see, that the same would apply to St. Margaret's.

I had not remarked your silence on the subject of this bay, and on the 11th July, when I had before me the complaint of Captain Philippe, to whom Mr. Shearer's fishermen have left only an absurdly small space in this bay, I did not hesitate to appeal in all good faith to what I termed your Convention, and to request Mr. Shearer to withdraw the traps which he had in the west, south, and south-east coves of St. Margaret's. I confess that my desire to reconcile all interests induced me to assume as a reality what was only an expectation, but it would be only just, on the other hand, to acknowledge that the little notice taken by Mr. Shearer of the demands of the French cruizers rendered my error very harmless.

I thank you for the fresh assurance you are good enough to give me of your desire to do all in your power to prevent the French fishermen from being disturbed in the legitimate exercise of the fishery rights given to them by the Treaties, and I hope, consequently, that you will have the goodness to take into consideration the following protest, which I regret keenly to have to address to you.

I am unable to accept as definitive the measure which has just been adopted in respect to our fishermen of St. Margaret's. I assert that it disturbs them considerably in the exercise of their industry, and that, consequently, it manifestly violates their rights, and is in formal contradiction to the promises contained in the declaration made on the 28th March last by his Excellency Lord Salisbury to our Ambassador in London. I request that you will kindly exert your authority to oblige Mr. Shearer to leave to our fishermen the free use of the west, south, and south-east coves of that bay, which are absolutely necessary to them. I lay stress on the moderation of my request, compared with the extent of the rights guaranteed to us by the Treaties.

Finally, I call your attention to the conciliatory measures which I proposed to you at the beginning of the season, and which are in striking contrast to those which disturb the French fishermen of St. Margaret's by injuring their interests.

I had the honour to declare to you verbally at the beginning of the season that I stretched moderation to the extent of only claiming for our fishermen spaces which were strictly indispensable for them this year, with the view of allowing the English residents to profit as much as possible by the spaces which were unoccupied.

You have informed me that the traps removed by my orders by the Commander of the "Drac" were about to be replaced in certain unoccupied spaces. Allow me to beg of you to satisfy yourself that these spaces are, on the contrary, occupied by our fishermen, and to insist that the French fisheries may not be disturbed by the English traps, which will cause them a considerable loss. It is clear, so far as what passes under the water can be judged of by those who are above it, that when the rival fishing appliances are so near to each other the fish taken in the English traps would, in their absence, have been in the French traps.

I cannot help pointing out, moreover, that it is difficult to conceive that the right of judging of the amount of annoyance inflicted on our fishermen, and of the extent of ground they require, should be exercised by their rivals, whose operations in the fishing grounds occupied by the French are, moreover, illegal. I consider that the way in which the English fishermen try to assert their competition at St. Margaret's disturbs the operations of our fishermen, and seriously injures their interests.

I am still of opinion that even now a separation of the fishing grounds in the Bay of St. Margaret's, such as I proposed on the 11th June, is the only solution acceptable, and in conformity with the desire for peace and concord which animates the French Government.

The action of the "Drac," at St. Margaret's, was only a simple police measure, taken with the view of removing the obstacle which was disturbing the French fishery. The action of such police is nothing new in Newfoundland, and could not bear the serious character which you seem to attribute to it. I should be distressed to see the dispute assuming another phase, which the conciliatory feeling among the officers serving under me has always made them avoid.

I do not believe that the French cruizers can have requested the removal of English traps in order to have the satisfaction of substituting French traps. Our demands are inspired by more general considerations.

In establishing himself to fish on the grounds reserved for our use by the Treaties, Mr. Shearer knew the risks he was running, and was acquainted with the conditions which govern all the ground he fishes. No matter how long he has used the fishing grounds, the solemn engagements of the Treaties existing between the Governments of Great Britain and France deprive him of all possibility of claiming a right of first occupant. Neither the lapse of time, nor the will of one of the parties to the signature of the contract, can give him this right. Justice exacts his withdrawal, pure and simple; moderation and conciliation require his withdrawal only in proportion as the fishing grounds are effectually occupied by the French, for whom the Treaties have not limited either the number of fishermen or the number of appliances.

I wish carefully to specify that, in this particular case, there is no question of residents habitually established on the shore, but of strangers to Newfoundland, and of residents brought together by speculators during the fishing season at points where the French have rights of industry. And I will add that the fishing thus carried on despoils the grounds allotted to the French, and thus alone seriously injures their interests, as well as those of the residents themselves.

To conclude this protest, I must state that the landing of Mr. Shearer's traps was done carefully and orderly under the supervision of two officers and a midshipman of the "Drac." The traps were placed intact on the shore before Mr. Shearer's agents, who alone are responsible for the damage done to them by the gale two days later.

I take this opportunity of drawing your attention to the irregularity committed by the steamer "Neptune," from St. John's, Newfoundland, which came to Port Saunders in search of wood for its fishing establishments at Labrador. This vessel, aided by one or more English fishermen, among whom was Mr. Atkins, established at Gargamelle, committed, with the help of numerous people, a perfect theft ("rapte") of bait on the fishing grounds at Gargamelle, reserved for the use of the French. Our men established on the bank at Port-au-Choix had no bait that day, and complained bitterly.

I would not lay too great a stress on such a proceeding, which it is difficult to foresee and guard against; but it shows how well-founded was my complaint as to Gargamelle Cove, and how far people imagine at the present moment they may go in defiance of Treaty stipulations. It is really desirable that equitable measures should be adopted to recall to a proper sense of the respect due to Treaty engagements all those who are so much tempted to forget them.

I have, &c.
(Signed) A. MARÉCHAL.

Inclosure 7 in No. 155.

Captain Sir B. Walker to Captain Maréchal.

Sir, *"Emerald," at St. Margeret's Bay, August* 4, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 29th July, containing your protest, and in which you also state that you cannot accept as definite the measure which has been taken with regard to your fishermen in St. Margaret's Bay.

Allow me to point out that these fishermen, who you affirm are considerably disturbed in the exercise of their industry, are prosecuting an industry the right to which Her Majesty's Government do not admit comes within the purview of the Treaties, and these fishermen are in consequence not entitled to the privileges accorded to the legitimate mode of fishing.

From the above you will be aware that the English traps in question were justified in occupying the ground they did, and nothing that has transpired has invalidated this right. As I have already informed you, my instructions do not admit, under these circumstances, of the raising of the English lobster-traps in order that they may be replaced by those of the French, and I regret that I am unable to accede to your wishes on this subject, and I hope that the remainder of the season may pass without further question arising.

After the English lobster-traps had been raised by the "Drac," I gave permission for their being reset in waters then unoccupied, and I took means to insure that this order was obeyed; the grounds were also constantly visited to insure no crossing on the part of the English, thus giving practical effect to our mutual desires to reconcile all interests.

I take the opportunity of thanking you for your remarks as to the action of the "Drac," and though I do not wish to attribute to it any grave character, you are doubtless aware that these actions on the part of the French cruizers have always called forth a protest on the part of the English officers, even when exercised on behalf of the legitimate mode of fishing; but when the property of British subjects is interfered with for the benefit of an industry not recognized by Her Majesty's Government as privileged by Treaty, it can no longer be considered a simple measure of police of the fishing.

I feel sure the French cruizers are only acting from the highest motives. Captain Reculoux, in a long experience, has too often shown his moderation on previous occasions for me to attribute his conduct to any other reason than the requirements of duty.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 8 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, *"Lily," at Port Saunders, July* 24, 1889.

I HAVE the honour to inform you that, on the evening of the 20th July, Mr. Shearer came on board the "Lily" at Port Saunders and delivered to me a letter which he had received from Captain Reculoux, of the "Drac."

2. In consequence of this Her Majesty's ship "Lily" weighed at 4·30 the following morning to endeavour to communicate with the "Drac," which ship, on our passing Flat Island, was observed going into Well Bay, St. John Island. The "Lily," therefore, also proceeded into that anchorage.

3. I immediately called on Captain Reculoux, who then informed me that he had raised a number of lobster-traps on the west side of St. Margaret's Bay. I verbally informed him that I should protest against this; and, as he told me he had left a letter informing me of the circumstances, together with a complaint addressed to him by the "Capitaine Prud'homme" of the French factory at Brig Bay, at that place, I asked him if he would be good enough to furnish me with copies.

4. On his returning my visit he brought two letters. I then, after translating his letter, wrote the answer, and got under way.

5. On the officer who took it returning, he brought with him another letter, but as the "Lily" was already under way, and I had already, both verbally and in an official letter, informed Captain Reculoux of my intentions, I did not send any reply.

6. On reaching St. Margaret's Bay the weather was so thick and unsettled that I determined to proceed to Brig Bay, where the ship anchored for the night. On the following morning weighed and proceeded to St. Margaret's Bay, where I directed Lieutenant Robertson to visit Godfrey's Cove (South-East Cove), whilst I myself visited the lobster ground along the west side of South Cove (Keep Harbour). I found that the trawls had been lifted on Saturday, the 20th July, and had been placed below high-water mark. The wind on the 21st, having blown strongly into the bay, had sent in some sea, which had caused damage to many of the traps. The snoods and trawls had been in many cases cut, and a large number of killicks (anchors made of wood and stone), which are used as moorings, had been lost.

7. I was accompanied by Mr. Shearer, and gave him the inclosed Memorandum, and informed the fishermen that they might reset their trawls when ready, but that they were on no account to cross or otherwise interfere with the French trawls.

8. I then proceeded to Forteau Bay, where I met you, and had the honour to report verbally what had passed, and to submit to you copies of the correspondence between Captain Reculoux and myself.

9. On the 24th, in obedience to your orders, I again visited St. Margaret's Bay, and found that the fishermen were resetting their trawls as soon as they were able to get them ready.

10. They reported that they would have them all out again by the end of next week, except about seventy to seventy-five which had been too severely injured to be worth repairing.

Those in Godfrey Cove would be reset by the 27th July if the weather was fine.

These traps are comparatively uninjured, as they were in a sheltered position, and would all be able to be reset.

11. The trawls are now being set in deeper water on the edge of the bank, on the west side, and about Race Island.

The fishermen inform me that they would in any case have moved their trawls to these positions about the middle of August.

12. The trawls in New Ferolle were not interfered with, and a trawl off Black Point, as well as some about Godfrey's Cove, were left down.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 9 in No. 155.

Captain Reculoux to Commander Russell.

M. le Commandant, *Baie Sainte-Marguerite, le 20 Juillet*, 1889.

AFIN d'amoindrir les causes de conflit entre les Français, qui viennent à Terre-Neuve pour exercer le droit de pêche concédé par un Traité revêtu de la signature de Sa Majesté Britannique, et les sujets Anglais qui viennent, contre l'esprit de ce Traité, s'établir sur cette côte pour y pêcher indûment en troublant nos nationaux et en leur causant une gêne très onéreuse, les deux Commodores se sont entendus pour établir une espèce de *modus vivendi* qui permettrait d'attendre que les questions soumises à nos Gouvernements soient définitivement réglées.

Dans cet ordre d'idées, en ce qui concerne la Baie de Sainte-Marguerite, une ligne de

démarcation, partant de la pointe de la Presqu'île aux Chiens et allant à la pointe est de l'anse du sud-est, séparait les pêcheurs des deux nations.

Les pêcheurs des factories Anglaises Shearer et Chetwynd, établies dans ces parages, pouvaient placer leurs casiers à homards dans l'est de cette ligne. L'ouest de la baie était réservée exclusivement aux pêcheurs Français établis à Brig Bay.

A son dernier passage sur cette côte (11 Juillet) le Commodore Français a prévenu Mr. Shearer de cette disposition temporaire et lui a dit de retirer ceux de ses casiers placés en dehors du terrain de pêche qui lui était attribué.

Quand je suis arrivé à Sainte-Marguerite, le 18 Juillet, je pensais que je trouverais tout en ordre et que je ne recevrais aucune plainte de nos pêcheurs.

J'ai été vivement déçu en visitant la partie de la baie réservée à la pêcherie Francaise de Brig Bay, et en recevant la plainte trop fondée du Capitaine Philippe, qui dirige cet établissement.

Un nombre considérable de casiers à homards occupe ces lieux de pêche. Nos pêcheurs y ont placé tout ce qu'ils ont pu des leurs, mais ceux de la factory Shearer sont beaucoup plus nombreux. Ce voisinage immédiat cause une grande gêne à nos pêcheurs, et entraîne un désordre qui peut déterminer de regrettables conflits.

Dans ces conditions, en l'absence de croiseurs Anglais, j'ai écrit à Mr. Shearer pour le prier d'enlever ses casiers et je l'ai prévenu que s'ils n'étaient pas relevés dans les vingt-quatre heures, je serais obligé de les faire relever moi-même.

En outre, je suis allé à Brig Bay, et je me suis présenté à la factory Anglaise où, dans des formes polies et courtoises, j'ai demandé à parler à Mr. Shearer.

J'ai été reçu avec un notable sans-gêne par des employés, qui m'ont dit que Mr. Shearer et son représentant étaient absents.

La longue pratique que j'ai de la côte de Terre-Neuve m'a permis de remarquer que c'est dans les habitudes des gérants de ces établissements de n'être jamais présents, quand nous nous présentons, et de se départir, envers nous, de la politesse respectueuse que nous recommandons si sévèrement à nos pêcheurs envers les officiers de la marine Anglaise.

Quoiqu'il en soit, ayant entendu dire, à Brig Bay, que vous deviez venir dans ce havre le Vendredi, 19 Juillet, j'ai attendu votre arrivée jusqu'au 20 de ce mois, me réservant d'avoir recours à votre autorité pour faire droit à la juste réclamation de nos pêcheurs dans cette circonstance.

C'est en ne vous voyant pas paraître et pressé par le temps que j'ai dû agir moi-même pour faire disparaître l'obstacle qui gêne et empêche même les pêcheurs Français de se livrer à leur travail.

Les casiers ont été relevés, avec le plus grand ménagement, sous la surveillance des officiers du "Drac," et remis à terre, avec le poisson qu'ils contenaient, entre les mains de leurs propriétaires ou des employés de la factory Shearer.

Je vous prie de vouloir bien faire le nécessaire pour qu'ils ne soient pas remis en place sur ce lieu de pêche attribué à la pêcherie Française de Brig Bay.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. Margaret's Bay, July* 20, 1890.

IN order to diminish the causes of a conflict between the French coming to Newfoundland to exercise their fishery rights conceded by a Treaty which bears the signature of His Britannic Majesty, and the British subjects who, against the spirit of this Treaty, establish themselves on this coast, carrying on illegal fishing operations by impeding our countrymen and causing them a serious hindrance, our two naval Commanders have agreed to a kind of *modus vivendi* pending a definite settlement of the questions submitted to our Governments.

With this view, a line of demarcation was drawn in St. Margaret's Bay to divide the fisheries of the two nations, starting from the extreme point of Dog Island, and running to the east point of South-east Cove.

The fishermen of the English factories of Mr. Shearer and Mr. Chetwynd, established in these waters, could set their lobster traps east of this line. The western part of the bay was exclusively reserved for the use of the French fishermen established at Brig Bay.

On the occasion of his last visit to this coast, the French Commodore notified this temporary arrangement to Mr. Shearer, and told him to remove such of his traps as were set outside the limits of the fishing grounds assigned to him.

When I arrived in St. Margaret's Bay I thought I should find everything in order, and that I should receive no complaints from our fishermen. In this I was much disappointed.

On visiting the part of the bay reserved for the use of the French fishermen of Brig Bay I received the complaint, but too well founded, of Captain Philippe, who is at the head of that establishment.

A considerable number of lobster traps occupy these fishing grounds. Our fishermen set as many of theirs as they could, but those of Mr. Shearer's factory are much more numerous. Their close proximity is a great hindrance to our fishermen, and leads to a kind of disorder which may end in deplorable collisions.

In these circumstances, and in the absence of all English cruizers, I wrote to Mr. Shearer asking him to remove his traps, and warning him that if they were not raised within twenty-four hours I should be compelled to have them raised myself.

Moreover, I proceeded to Brig Bay and called at the English factory, where, in polite and courteous terms, I asked to see Mr. Shearer.

I was received with a remarkable want of attention by the factory people, who told me that both Mr. Shearer and his agent were absent.

My long experience of the Newfoundland coast has enabled me to observe that the managers of these establishments are in the habit of never being present when we arrive, and to neglect towards us that respectful courtesy which we so strongly recommend our fishermen to adopt towards the officers of the British navy.

However that may be, having heard at Brig Bay that you were expected to arrive in this harbour on Friday, the 19th July, I waited for your coming till the 20th of this month, thinking that I would have recourse to your authority in order to meet the well-founded complaints of our fishermen in this matter.

It was only on not seeing you arrive, and because pressed for time, that I was obliged to take action myself in order to remove the obstacle which hinders the French, and even prevents them from pursuing their industry.

The traps were raised with the greatest care under the supervision of the officers of the "Drac," and, together with the fish contained in them, placed on shore and handed over to their owners, or to the employés of Mr. Shearer's factory.

I would request that you will kindly take the necessary steps to insure that they are not reset on this spot, which is assigned to the French fishery of Brig Bay.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 10 in No. 155.

Captain Reculoux to Mr. Shearer.

(Translation.)

Sir, *St. Margaret's Bay, July* 18, 1889.

THE French Commodore informed you on the 11th July that you should remove your lobster-traps from South Cove and South-East Cove of St. Margaret's, where these engines interfered with the French fishermen.

I have just ascertained that all these traps are still in their place, and I inform you that, in the absence of any of Her Britannic Majesty's cruizers who could enforce the fishery rights on this part of the coast of Newfoundland which are conceded to us by Treaty, I shall be obliged to raise your traps, if you do not yourself do so within twenty-four hours.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 11 in No. 155.

M. Philippe to Captain Reculoux.

M. le Commandant, *A Brig Bay, le* 18 *Juillet*, 1889.

JE viens à nouveau protester énergiquement contre les pêcheurs de homards Anglais établis sur toute ma Concession, mais principalement dans toute la Baie Sainte-Marguerite, où j'ai douze pêcheurs établis.

Cette baie est complètement au pouvoir des pêcheurs Anglais, qui occupent les meilleures places et y ont immergé environ 3,000 casiers; ce qui cause les plus

grands dommages à ma pêche et détruira dans très peu de temps la richesse de la dite baie.

J'ai été gêné dans mon exploitation dès le début de la pêche ; mais aujourd'hui plus que jamais, augmentant le nombre de mes casiers journellement, je me trouve dans l'impossibilité de les placer sur de bons fonds, ceux-ci étant occupés par les pêcheurs Anglais.

Tous mes pêcheurs de la Baie Sainte-Marguerite se plaignent du voisinage des pêcheurs Anglais qui nuisent considérablement à leur pêche, ne pouvant placer leurs casiers où bon leur semble, la baie étant envahie par les casiers Anglais.

Dans de pareilles conditions, M. le Commandant, je ne pourrai faire qu'une très médiocre pêche, lorsque j'eus pu faire d'excellentes affaires si j'eus été libre dans mon exploitation.

J'appelle donc très respectueusement mais très fermement, M. le Commandant, votre bienveillante attention sur la situation qui m'est faite dans mes opérations de pêche au sujet du tort considérable que me font les pêcheurs Anglais, et vous prie d'intervenir de tout votre pouvoir en éloignant au plus tôt tous ces pêcheurs Anglais de ma Concession, où j'ai seul le droit de libre exercice de pêche.

En terminant, j'ai l'honneur de vous faire remarquer que j'ai encore plusieurs pêcheurs à établir dans Sainte-Marguerite ainsi que des casiers à y placer aussitôt que vous aurez eu l'obligeance de me faire évacuer les places qui me sont nécessaires.

Recevez, &c.
(Signé) F. PHILIPPE.

(Translation.)

Sir, *Brig Bay, July* 18, 1889.

I MUST once more most formally protest against the British fishermen on my concession, but especially in the whole of St. Margaret's Bay, where twelve of my fishermen are established.

This bay is completely in the hands of the English fishermen who occupy the best places, and have moored there about 3,000 lobster traps, which cause the greatest damage to my fishery, and will in a short time destroy the fish supply of the said bay.

I have been impeded in my operations from the beginning of the fishery ; but now, daily increasing the number of my traps, I find it more than ever impossible to set them on the good spots, these being occupied by the English fishermen.

All my men of St. Margaret's Bay complain of the proximity of the English fishermen, who do considerable harm to their fishing. They cannot set their traps where they would like, because the bay is overrun by the English traps.

In these circumstances, Sir, I can do but little fishing, whilst I could have made a good business if I had been free in my operations.

I therefore respectfully, but firmly, call your kind attention to the state of my fishing operations, and to the considerable harm done to me by the English fishermen, and I ask you to interfere with all your authority, in order to remove as soon as possible all these English fishermen from my concession, where I alone have the free right to fish.

In conclusion, I have the honour to observe that I have several more fishermen to establish at St. Margaret's, as well as traps to set there, as soon as you will have had the goodness to have the spots cleared which I require.

I have, &c.
(Signed) F. PHILIPPE.

Inclosure 12 in No. 155.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *at Good Bay, St. John Island, July* 21, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

2. I regret that you were not correctly informed at the British factory of my probable position at the time of your visit, as I left particular directions with the manager on the subject.

3. I still more regret that you should have been received there with any want of courtesy, and I shall remonstrate on the subject, and insist that the French officers are to be received with all the attention due to them.

4. With reference to the division of St. Margaret's Bay between our respective fellow-countrymen, I have the honour to inform you that my last letter from Sir Baldwin Walker did not contain any instructions on that subject.

5. This letter was dated at St. John's on the 5th July.

6. I am daily expecting his arrival at Port Saunders, when I shall immediately refer your letter, together with that of the Capitaine Prud'homme Philippe which is inclosed, to him.

7. In the meantime, it becomes my duty to remonstrate most strongly against any interference with the property of British subjects, except by Her Majesty's ships or by other British authority.

8. I shall proceed to St. Margaret's Bay to-day and inform the British fishermen that they are at liberty to pursue their industry as usual until they receive contrary orders from one of Her Majesty's ships.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 13 in No. 155.

Captain Reculoux to Commander Russell.

(Translation.)

Sir, *Harbour of St. John Island, July* 21, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day, replying to the complaint which I addressed to you relative to the occupation by the traps of Mr. Shearer of the fishing ground reserved to the French fishermen of the factory at Brig Bay, in St. Margaret's Bay.

In my letter I had the honour to tell you that I had not raised the traps of Mr. Shearer till after I had assured myself that there was no cruizer of Her Britannic Majesty in my neighbourhood.

I have always acted thus during the six years which I have passed on the coast of Newfoundland, and I have never received any remonstrance ("observation") from the English Naval Division.

I also request that, while awaiting the return of the English Commodore, Mr. Shearer do not replace his traps in the place which they occupied, and which is that intended for the fishermen of Brig Bay.

This division exists already at Port Saunders, and at Castors Cove; it is therefore more than probable that it also exists at St. Margaret's Bay, as well in the mind of Commodore Walker as in that of Commodore Maréchal.

I am, &c.
(Signed) A. RECULOUX.

Inclosure 14 in No. 155.

Commander Russell to Mr. Shearer.

Sir, "*Lily*," *at Brig Bay, July* 21, 1889.

WITH reference to the letter which you received from Captain Reculoux, of the "Drac," I beg to inform you that I have been in correspondence with that officer on the subject.

2. I have informed him that I shall authorize the traps of your factory being set as heretofore in South and South-East Coves, St. Margaret's Bay, pending further instructions from my Senior Officer, who is expected daily on this part of the coast.

3. You are to caution your men to behave with prudence in their dealings with the French fishermen, and that their trawls are on no account to be crossed or otherwise interfered with.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 15 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at St. Margaret's Bay, August* 4, 1889.

WITH reference to the injury sustained by the lobster-traps of the British factory at Brig Bay, which were raised by the boats of the French cruizer "Drac," I have the honour to inform you that these traps were raised on Saturday, the 20th July, a work, which I am informed, occupied the French boats from an early hour till late in the evening.

2. On my passing St. Margaret's Bay on the afternoon of Sunday, the 21st, there was a fresh breeze blowing from the north-east, with some sea, and on that account, and for the reason that the weather was thick and the holding ground in the bay indifferent, I anchored for the night in Brig Bay.

3. On visiting St. Margaret's Bay next morning, the 22nd July, the traps were still lying where they had been placed by the French boats' crews.

4. In most cases they had been placed below high-water mark, and at the time of my visit many were "awash," and some even covered by the sea. They had been much thrown about by the sea which was driven into the bay the preceding evening, with the result that most had some of the lathes broken, and many were so injured in the bows and sills as not to be worth repairing.

5. The trawls of the following five men were interfered with as follows :—

Name.	Number of Traps.	Number raised.	Killicks missing.	Remarks.
Chas. Hartling	150	150	8	Trawls and snoods cut.
Jos. Hartling	150	110	6	Trawls and snoods uninjured.
Leond. Hartling	150	150	8	Trawls and snoods cut.
Sam. Hartling..	150	32	1	Trawls and snood uninjured.
Jno. Clifford	150	72	3	One trawl complete lost, others cut.

6. About seventy traps I believe are not repairable.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 16 in No. 155.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at St. John's, August* 16, 1889.

WITH reference to your Memorandum of this day's date, I have the honour to inform you that, in addition to the traps (seventy in number) belonging to the fishermen in Reefs Harbour, St. Margaret's Bay, which have already been reported as injured, I have since been informed that seventeen of those of the men in South-East (Godfrey's) Cove were found to be not repairable, making a total of about eighty-seven which are unfit for future use.

2. The traps were raised by the boats of the "Drac" on Saturday, the 20th July, and I visited the bay on the morning of the 22nd July, when the traps were still lying where they had been placed by the French seamen.

3. I asked each fisherman individually whether they had moved their traps, &c., between the time of their being raised and my first visit.

4. They assured me that they had not done so, and I feel perfectly confident that they spoke the truth, as, had they been placed above high-water mark by the French, it would have been to their own disadvantage to move them down to the position

where I saw them, as they were only anxious to get them ready for use again as soon as possible.

5. In addition, it is contrary to all custom of this coast to do any work on the Sunday, and I myself saw two of the Reefs Harbour men in Brig Bay on that day.

6. One of the fishermen, Charles Hartling, on his traps being raised, requested the French officer who was superintending to have his traps moved above high-water mark, pointing out that, should the wind come round to the eastward, great damage would result to them. No attention was paid to this, and they were left where first placed.

7. As already reported, a fresh north-east wind blew right into the bay on Sunday evening, and much damage was caused.

I have, &c.
(Signed) G. W. RUSSELL.

No. 156.

Colonial Office to Foreign Office.—(*Received October* 30.)

(A.)

Sir, *Downing Street, October* 30, 1889.

WITH reference to the letter from this Department of the 28th May last, relating to the suggestion made by the Marquis of Salisbury that certain issues connected with the Newfoundland lobster fisheries question should be submitted to arbitration, I am directed by Lord Knutsford to transmit to you, to be laid before his Lordship, copies of a telegram and of a despatch from the Governor of Newfoundland, giving the reply of his Government to the proposal made in Lord Knutsford's despatch of the 28th March last,* to the effect that an endeavour might be made to come to an arrangement with the Government of France that the lobster factories of both countries should be allowed in places and under conditions jointly approved by the British and French Naval Commanders-in-chief on the station.

It will be seen from these papers that the Government of Newfoundland, or the reasons stated in the Minute of Council of the 24th June last, do not agree to the above proposal. It remains, therefore, for consideration whether the suggestion as to arbitration on certain points connected with the Fisheries question should now be formally proceeded with or not; and on this point Lord Knutsford desires me to offer the following observations:—

Taking into consideration the circumstance that the fishery season is now over, and that, so far as Her Majesty's Government are aware, no very grave difficulties between the fishermen of the two countries have arisen on the coasts of the Colony, and looking to the fact that a general election is now proceeding in Newfoundland, Lord Knutsford is disposed to think that it may be advisable to postpone, for the present, making any formal proposal to the French Government on the subject of arbitration until after Her Majesty's Government shall have had an opportunity of discussing the Fishery question with the Premier of the Colonial Government which may be in power after the general election.

Should Lord Salisbury concur in this view Lord Knutsford will, at the proper time, invite the Premier of the Colonial Government to visit this country to discuss the pending questions with his Lordship.

I am, &c.
(Signed) JOHN BRAMSTON.

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* No. 133.

Inclosure 1 in No. 156.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, June* 18, 1889.

HER Majesty's Government anxious for reply to proposals contained in my despatch 28th March, arrangement respecting factories with French Government subject to conditions approved by naval officers.

Inclosure 2 in No. 156.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) *Newfoundland, June* 19, 1889.

NOTWITHSTANDING used utmost endeavours, Local Government, in view of Address by Assembly forwarded by last mail, could not accept proposal contained in despatch 28th March. Letter follows to explain by first mail.

Inclosure 3 in No. 156.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *June* 20, 1889.

ON receipt of your Lordship's despatches of the 28th March last, I lost no time in bringing the question of lobster factories before my Government, and was in hopes that Mr. Shearer might be induced to change the position of his establishment, and thus remove one of the causes of complaint on the part of the French; unfortunately, it would appear that, though the Government sees no objection to his factory being removed elsewhere, the Attorney-General is of opinion that such removal could not be enforced by us, though it might be by one of Her Majesty's vessels, and it was my intention to confer with Sir Baldwin Walker on this subject on the arrival of Her Majesty's ship "Emerald," expected in a few days.

2. On receipt yesterday of your Lordship's telegram 1, however, immediately took steps to submit your Lordship's queries to my Ministers, and at the close of the sitting forwarded to your Lordship a message, embodying the views of the Executive Council, as set forth in the following draft by the Attorney-General:—

"My Government, in view of joint Address of both branches of Legislature, lately forwarded, cannot accept arrangement suggested in despatch of the 28th March. Letter will follow by mail on this subject."

No. 157.

Colonial Office to Foreign Office.—(*Received October* 30.)

(B.)

Sir, *Downing Street, October* 30, 1889.

WITH reference to my letter (A) of even date, herewith, inclosing a telegram and despatch from the Governor of Newfoundland relating to the Newfoundland Lobster Fishery question, which is in dispute between the British and French Governments, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor of Newfoundland, inclosing a joint Address to the Queen from the Legislative Council and Assembly of Newfoundland relating to this subject.

It will be observed that this Address, after alluding to the case of the removal last year of Messrs. Andrews and Murphy's lobster factory at White Bay, and referring to various clauses of the Treaties and engagements between this country and France bearing upon the rights given to French fishermen, proceeds as follows:—

"Having regard to all the facts referred to, and the necessary deductions resulting therefrom, we are led to the expression of opinion that in this matter, that is to say, in the assertion and protection of the rights of your Majesty's subjects in Newfoundland, as against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult, and disturbance between the subjects of the two Great Powers, it is necessary that some firm and vigorous action should be taken by the Colony, with the countenance, co-operation, and active assistance of your Majesty's Government.

"We humbly submit that such action should have special reference to the following points:—

"1. To the protection of British fishermen in the prosecution of their lawful avocations as regards the lobster fishery.

"2. To the resistance to the claims of the French, now first asserted, in respect of this new industry.

"3. To the removal of all lobster factories, or buildings in connection with the lobster fishery, erected by French subjects upon Newfoundland territory.

"4. To the assertion and protection of the right of British subjects to the user of British territory in Newfoundland for agricultural, lumbering, or mining purposes, without the interruption, molestation, or interference of the French under any pretended Treaty claims."

Lord Knutsford would propose to answer this Address by informing the Council and Assembly, with regard to point 1, that the instructions given to the naval officers are framed with the view of the proper protection of British fishermen in the prosecution of their lawful fishery, but that the question whether the establishment of lobster factories on shore is consistent with the engagements with France is now the subject of discussion between the two countries, and no further instructions can at present be given on this subject; that the Council and Assembly are aware that the British Declaration of 1783 declares that, in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland, and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. It is evident, therefore, that the fishery of British fishermen, whether lobster or otherwise, must be carried on subject to the above restriction as to the non-interruption of the French fishery.

With respect to points 2 and 3, the correspondence which has been transmitted to you shows that the pretensions of the French in regard to the lobster fishery and the erection of lobster factories on shore are disputed by Her Majesty's Government, who, however, trust that some understanding may be arrived at with the French Government between the present time and the opening of the next year's fishery season.

Her Majesty's Government altogether deprecate any action such as is suggested whilst the matter is still the subject of diplomatic negotiation.

With reference to point 4, Her Majesty's Government can only return an answer similar to that given to a recent Memorial from the inhabitants of the west coast of Newfoundland which was transmitted in the Governor's despatch of the 16th March last.

Those memorialists, amongst other things, requested free access to the coast for the purpose of mining, ship-building, and all other operations, and grants of land unhampered by certain conditions which were there referred to.

The reply given to the memorialists as to free access to the coast for mining operations was to the effect that this matter was to a great extent dealt with in the Arrangement of 1885, which, much to the regret of Her Majesty's Government, was rejected by the Newfoundland Legislature; that until some fresh arrangement should have been made with the French in the matter of the fisheries such free access, as is desired for the purposes mentioned, could not be given by Her Majesty's Government; and with respect to the question of the issue of grants of land unhampered by the conditions subjecting such grants to a reservation in favour of French rights, the memorialists were informed that Her Majesty's Government regretted that they were unable, in the present position of the Fishery question, to meet the wishes of the memorialists. The memorialists were, however, assured that any favourable opportunity which might present itself for arriving at a settlement with the Government of France of the general question of the fisheries would not be neglected by Her Majesty's Government.

Lord Knutsford would be glad to be informed whether Lord Salisbury concurs in this reply.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 157.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
June 1, 1889.

My Lord,

I HAVE the honour to inclose six printed copies of an Address which has been passed by both branches of the Legislature of this Colony, appealing against the action of the French in the exercise of privileges conceded to them by Treaty, which I have been requested to forward to your Lordship to lay before Her Majesty the Queen.

2. I send the original in manuscript as well as the printed copies at once, as they are alluded to in my closing Speech to Parliament, and regret that owing to the delay in engrossing the parchment copy it cannot be forwarded by this opportunity, but will, however, be sent by next mail.

I have, &c.
(Signed) T. O'BRIEN.

Inclsure 2 in No. 157.

Address.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's humble and devoted subjects, the Legislative Council and the Commons House of Assembly of Newfoundland, beg to approach your Majesty with an expression of our loyalty and devotion to your Majesty's person and Throne.

Upon us, as branches of the Colonial Legislature, has devolved the duty of considering the subject of British rights and French claims on that portion of the coast of Newfoundland on which the French have certain fishery privileges, in special reference to certain claims asserted by subjects of France in the year 1888 in respect of the taking and preserving of lobsters.

The claims of the French in this behalf have been now made for the first time.

The facts surrounding these new claims are set forth in certain correspondence, which has been brought before us as a Legislature, which correspondence has already been a matter of consideration for your Majesty's Ministers, and has formed a subject

of diplomatic communication between your Majesty's Ministers and the Government of France.

This correspondence has reference to the grievances complained of by two of your Majesty's subjects, one Murphy and one Andrews, who, during the fishery season of 1888, were lawfully engaged in the prosecution of their business of taking and canning lobsters at a place called Hauling Point, in White Bay, on the north-east coast of Newfoundland.

In connection with this correspondence and the grievances complained of, we have had occasion to regard and make reference to the action of our Colonial Legislature on former occasions in respect of the large issues which are involved in the present subject of consideration; and we have had to revert to the assurances of your Majesty, as from time to time given by your Majesty's Ministers, in confirmation of positions asserted and maintained by this Colony as to the relative rights of British and French subjects upon the coasts of Newfoundland under Treaties between the two Great Powers.

In our present deliberations we have been constrained to regard as a prominent cause of difficulty these new claims, which, in the case of Messrs. Murphy and Andrews, seem to involve the consideration not only of fishery rights, but also of territorial rights, which have hitherto been unquestioned.

The facts set forth before us, which in their material points are not the subject of dispute, warrant us in the expression of the opinion that, in this particular case as in others, there has been displayed at times on the part of Imperial authorities a disposition to make undue concessions in fishery matters to the aggressive claims of the subjects of France, and to subordinate to politic or diplomatic exigencies the undoubted rights of British subjects.

In the case of Messrs. Murphy and Andrews, it is apparent that the French have asserted a right to take and can lobsters, and to erect upon British territory factories or establishments for the purpose of preserving lobsters.

With due devotion to your Majesty, we cannot too strongly affirm the position taken by this Colony that the French have no right under any existing Treaty to take lobsters for commercial purposes in any territorial waters of this island, and therefore, *à fortiori*, we humbly contend that the French are unwarranted in the erection of factories or establishments upon our coasts for the purpose of canning lobsters, taken in British waters, for the purpose of exportation and sale. The claim asserted by the French in this behalf, with all humility, we vehemently deny.

We are constrained to regard with regretful resentment the fact that, in the case under consideration, the removal of establishments erected by British subjects for the purposes of taking and canning lobsters has been enforced by subjects of France at the instance of the French authorities, a French war-ship assisting and a British war-ship interfering to support the unwarranted contention of the French.

By reason of these unwarranted claims, and by this interference with the rights of your Majesty's subjects, much damage and loss have accrued, and we have reason to believe that many of your Majesty's subjects have been deprived of a means of subsistence for themselves and their families. We, therefore, regard with reasonable apprehension and alarm the probability of further encroachments upon the rights of your Majesty's subjects being made or attempted to be made by the subjects of France, the acquiescence in which encroachments must be disastrous to the interests of our people.

With all submission we are constrained to state to your Majesty our position, that the claims of the subjects of France, in respect of the taking and preserving of lobsters upon our coasts, and also their claims in respect of the taking of salmon, which latter claims have also been a subject of our deliberations, are utterly without foundation and cannot be maintained, and that the action of French subjects in this behalf has been in violation of Treaty obligations and of international law, and that there has resulted therefrom a gross trespass upon the rights of British subjects, for which an exemplary compensation should be demanded from the Government of France.

Whilst we humbly submit to your Majesty that our assertions of right as your Majesty's subjects in this behalf are unquestionable, we would further submit to your Majesty the irrefragable character of our conclusions by reference to the following facts:—

1. Because it was declared by the Treaty of Utrecht that it should be unlawful for the French to erect buildings, except those "necessary and usual for drying of fish."

2. Because the Treaty of Paris (1763) restricted the liberty to "fishing and drying."

3. Because the Treaty of Versailles (1783) speaks of "the fishery assigned to them by the Treaty of Utrecht."

4. Because the Declaration speaks of "the fishery" and "the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there."

5. Because the French King's Counter-Declaration speaks of "the fishery on the coasts of Newfoundland which has been the object of the new arrangements."

6. Because the Treaty of Paris (1814) declares that the French right of fishery "shall be replaced upon the footing in which it stood in 1792."

7. Because there was no such industry as a lobster fishery in Newfoundland at any of these periods, and no such industry was heard of until within a few years past, and the language used to describe "the fishery" which the French were entitled to pursue is utterly inapplicable to lobster catching, or to the erection of factories for taking or canning lobsters.

Having regard to all the facts referred to and the necessary deductions resulting therefrom, we are led to the expression of opinion that in this matter, that is to say, in the assertion and protection of the rights of your Majesty's subjects in Newfoundland as against the aggressive and unwarranted claims of French subjects, and for the avoidance of discord, tumult, and disturbance between the subjects of the two Great Powers, it is necessary that some firm and vigorous action should be taken by the Colony with the countenance, co-operation, and active assistance of your Majesty's Government.

We humbly submit that such action should have special reference to the following points:—

1. To the protection of British fishermen in the prosecution of their lawful avocations as regards the lobster fishery.

2. To the resistance to the claims of the French, now first asserted, in respect of this new industry.

3. To the removal of all lobster factories or buildings in connection with the lobster fishery erected by French subjects upon Newfoundland territory.

4. To the assertion and protection of the rights of British subjects to the user of British territory in Newfoundland for agricultural, lumbering, or mining purposes without the interruption, molestation, or interference of the French under any pretended Treaty claims.

For the causes herein set forth, and with the grievances herein complained of, we, your Majesty's dutiful and loyal subjects, do therefore approach your Majesty with the humble prayer that your Majesty will be pleased to take the same into gracious and favourable consideration; that your Majesty will cause the same to be brought to the notice and consideration of your Majesty's Ministers; that your Majesty will graciously cause such action to be taken as shall lead to the removal of all lobster factories, or establishments or buildings connected with the lobster industry, erected by the French upon the territory of Newfoundland, and to the prevention of any such erections in future; and that your Majesty will be graciously pleased to cause it to be an instruction to the Commanders and officers of your Majesty's ships engaged in the protection of the fisheries upon the coast of Newfoundland, that they shall be aiding and assisting your Majesty's subjects in this island in the prevention of interference by the French with the prosecution of any lawful industries enterprised by British subjects in Newfoundland.

Deign to accept, most gracious Sovereign, our profoundest expressions of loyalty and affection.

Passed the House of Assembly, June 1, 1889.
(Signed) ALEX. J. W. McNEILY, *Speaker.*

Passed the Legislative Council, June 1, 1889.
(Signed) E. D. SHEA, *President.*

No. 158.

Foreign Office to Colonial Office.

Sir, *Foreign Office, November* 4, 1889.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter (B) of the 30th ultimo, inclosing a copy of a joint Address to the Queen from the Legislative Council and Assembly of Newfoundland relating to the Lobster Fishery

question, and I am to request you to state to Secretary Lord Knutsford that Lord Salisbury concurs in the terms of the reply which his Lordship proposes to return to this communication.

I am, &c.
(Signed) T. H. SANDERSON.

No. 159.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, November* 4, 1889.

WITH reference to my despatch of the 2nd September, I transmit to your Excellency herewith copies of correspondence which has passed between Captain Sir Baldwin Walker, of Her Majesty's ship "Emerald," and the French naval officers on the coast of Newfoundland, relative to the action of Captain Reculoux, of the French aviso "Drac," in raising lobster-traps belonging to men employed by Mr. Shearer's factory in Brig Bay.*

These traps, which were set in St. Margaret's Bay, appear to have been removed when a British man-of-war was in the neighbourhood, and when there was consequently no occasion or justification for such action on the part of a French officer. The removal was effected not on account of any obstruction to French fishing-nets, but simply in order to make way for French lobster-traps, which, as your Excellency is aware, are not considered by Her Majesty's Government as coming within the intention of the Treaties.

Further, when raised by the "Drac's" boats, these traps were placed on the shore below high-water mark, in consequence of which many of them were injured or destroyed.

Your Excellency will observe that this case is a repetition, though in an aggravated form, of the incident which formed the subject of Mr. Elliot's note to the French Government, a copy of which was forwarded to this Office in that gentleman's despatch of the 13th September.

I have to request your Excellency to call the attention of the French Government to the matter, and to point out to them that such action on the part of their naval officers—which is clearly in excess of their legal rights—may too probably, if persisted in, produce complications which it has been the earnest effort of both Governments to avoid; and you will, at the same time, intimate that Her Majesty's Government will feel compelled to present a claim for compensation on account of the injury to the lobster-traps in question as soon as the full particulars of the loss suffered by British subjects has been ascertained.

I am, &c.
(Signed) SALISBURY.

No. 160.

M. Jusserand to the Marquis of Salisbury.—(Received November 6.)

M. le Marquis, *Londres, le* 5 *Novembre,* 1889.

LE Chargé d'Affaires de Sa Majesté Britannique à Paris a bien voulu communiquer au Gouvernement de la République, le 13 Septembre dernier, les observations auxquelles avait donné lieu, de la part du Gouvernement de la Reine, le retrait de casiers à homards appartenant à des sujets Anglais, opéré à l'Ile Keppel, le 15 Juin, par ordre d'un officier de la division navale Française. Tout en reconnaissant l'excellence des relations qui n'ont cessé d'exister entre les officiers des deux pays à Terre-Neuve, le Cabinet de Saint-James estime que le fait dont il s'agit est entaché d'illégalité, et il l'a signalé, à ce titre, au Cabinet de Paris.

Le Gouvernement de la République qui avait, de son côté, reçu des rapports concernant cet incident, et possédait des copies de la correspondance échangée par les Commandants des deux stations navales, a reconnu la parfaite exactitude des faits que Mr. Elliot a exposés, mais il lui paraît impossible d'en tirer la conclusion énoncée par le Représentant de Sa Majesté la Reine.

* No. 155.

L'occupation de la baie de Port Saunders par une pêcherie à homards Anglaise constitue en effet, non plus seulement sur la côte, à terre, mais jusque dans les eaux où nous avons le droit dominant de pêcher, une irrégularité et même, selon les vues que mon Gouvernement n'a cessé de maintenir, une illégalité qu'il lui est impossible de reconnaître. Ainsi que cette Ambassade l'a maintes fois indiqué, et ainsi qu'il résulte du texte des Traités, les Français ont le droit de pêcher à tout moment de la saison, en tout point de la côte qui leur est attribuée par les arrangements internationaux, d'une façon permanente ou d'une façon inopinée, après en avoir donné avis, ou sans avoir pris cette précaution. Étant données ces conditions, admettre que le Sieur Shearer, ou tout autre industriel étranger, pourra s'attribuer une part personnelle dans le domaine affecté à notre exploitation, part qu'il pourra étendre à sa guise, sous la protection des croiseurs de la Grande-Bretagne et dont l'accès sera interdit à nos navires, admettre une pareille faculté équivaudrait à renoncer aux avantages que les Traités nous assurent le plus expressément, et reconnaître que nos droits privilégiés de pêche s'appliquent seulement aux parties laissées libres par les dits industriels.

Ce sont ces considérations qui ont empêché l'année dernière le Commandant Humann d'adhérer à la délimitation que le Commandant Hamond avait tracée d'office de la pêcherie Shearer. Si, cette année, le Commandant Maréchal s'est placé sur le terrain de la délimitation, ce n'est point sans réserver l'intégralité de nos droits, ni parce qu'il aurait reconnu la légitimité des pêcheries Anglaises, c'est uniquement parce qu'il fallait avant tout, et tout en réservant les questions de droit, pourvoir au besoin actuel et pressant du maintien de la paix entre les pêcheurs. C'était un acte gracieux et personnel, qui ne comportait nullement l'admission des prétentions de Mr. Shearer. Le Commandant de la Station Française pensait que cet acte, dicté par le sentiment d'un intérêt commun et immédiat, recevrait un accueil répondant au motif qui l'avait inspiré. Mais il s'est trouvé au contraire que ce *modus vivendi*, admis provisoirement, n'a plus suffi aux exploitants des lieux de pêche en question ; ils ont agi en fait comme si le droit de nos pêcheurs n'existait pas devant le leur, et qu'ils eussent toute liberté d'étendre leurs opérations sans autre limite que leur intérêt. Ils ont, en conséquence, répandu à Port Saunders leurs casiers à homards bien au delà de la ligne de séparation.

Le Commandant du "Bisson" a cru de son devoir d'arrêter cet envahissement et d'enjoindre à l'exploitant James Rhyn de rentrer du moins dans les limites tracées par la Division Navale Anglaise. L'intéressé se soumit d'abord, et s'engagea à retirer ses casiers ; mais il se ravisa, et les maintint en place. Votre Seigneurie reconnaîtra certainement qu'il n'était pas possible au Commandant Antoine d'accepter cette façon d'agir qui, sans parler de la manière dont elle pouvait être considérée au regard de cet officier lui-même, était dérogatoire à l'ordre établi par le Commandant de la Station Britannique pendant la campagne de 1888. Il le pouvait d'autant moins que, ainsi qu'il l'explique dans sa lettre au Commandant de "l'Emerald," il attendait à chaque instant le retour de nos gens dans ces parages, à la recherche du poisson. Si un bâtiment Anglais eût été sur les lieux, il lui aurait assurément réclamé l'exécution dont il a dû se charger lui-même. Se trouvant seul, il devait, dans l'appréciation de mon Gouvernement, agir ainsi qu'il l'a fait, sous peine de reconnaître aux exploitants actuels de ces fonds le droit de disposer en maîtres du "French Shore."

Le Gouvernement de la République espère qu'après avoir pris connaissance des motifs qui ont dicté la conduite du Commandant Antoine, le Cabinet de Londres voudra bien se ranger à l'avis que je viens d'indiquer. Le Gouvernement de Sa Majesté la Reine ne voudra, d'ailleurs, pas oublier que cette intervention n'est point un fait insolite ni nouveau. La Station Navale Française a toujours, en l'absence des croiseurs Anglais, assuré elle-même le redressement des contraventions commises par les pêcheurs locaux. Ce régime a été accepté sans jamais donner lieu à des difficultés, et il devait l'être, car les circonstances l'imposent; et prendre un parti contraire reviendrait à dire que les Traités sont valablement interprétés par n'importe quel pêcheur ou industriel du pays, sans que les officiers de la Station Française pussent prévenir en aucune manière, alors même qu'ils se trouveraient seuls présents pour le faire, la mise en pratique des interprétations les plus certainement illégales.

En soumettant, conformément aux instructions que j'ai reçues, ces observations à l'attention de Votre Seigneurie, je crois devoir L'assurer que le Gouvernement Français ne voit pas avec moins de plaisir que le Gouvernement de la Reine le maintien des relations les plus parfaites entre les officiers des deux stations navales et n'en désire pas avec moins d'ardeur la continuation.

Veuillez, &c.

(Signé) JUSSERAND.

(Translation.)

My Lord, *London, November* 5, 1889.

HER Britannic Majesty's Chargé d'Affaires in Paris communicated to the Government of the Republic, on the 13th September last, the observations which Her Majesty's Government had to make on the raising of lobster traps belonging to British subjects, off Keppel Island on the 15th June last, by order of an officer of the French naval squadron. Whilst recognizing the excellent relations which have always existed between the officers of the two countries in Newfoundland, the Cabinet of St. James' considers that the proceeding in question is illegal, and has for that reason called to it the attention of the Cabinet of Paris.

The Government of the Republic, having on their part received reports on this incident and being in possession of copies of the correspondence exchanged by the Commanders of the two naval squadrons, recognize the perfect accuracy of the facts as stated by Mr. Elliot, but are unable to draw from them the conclusion set forth by the Representative of Her Majesty the Queen.

In fact, the occupation of the Bay of Port Saunders by an English lobster factory is, not only with regard to the ground occupied on shore, but even with regard to the waters where we have the predominant right to fish, irregular and, according to the views which my Government have never ceased to uphold, illegal, and cannot possibly be recognized by them. As this Embassy has many times already pointed out, and as appears from the text of the Treaties, the French have the right to fish at any moment in the season, on any part of the coast which is assigned to them by International Agreements, to fish continuously or intermittently, giving warning of their intention, or without warning. This being so, to admit that Mr. Shearer, or any other foreign trader or manufacturer, can assign to himself a portion of the grounds over which we have the right of fishing, a portion which he might extend at his pleasure, under the protection of the British cruizers, and the access to which would be closed to our ships—to admit such a right would be to renounce the privileges which the Treaties expressly guarantee to us, and to admit that our rights of fishing apply only to such parts as may be left free by the said traders or manufacturers.

These are the considerations which last year made it impossible for Commander Humann to agree to the delimitation of Mr. Shearer's fishery which was officially made by Commander Hamond. If, this year, Commander Maréchal adopted the grounds of delimitation, it was not done without his reserving the integrity of all our rights, nor was it done because he recognized the rights of the English factories; it was done solely because it became necessary, above all, whilst reserving all questions of right, to meet the existing and pressing need for the maintenance of peace between the fishermen. It was a gracious and personal act, which in no way implied the recognition of Mr. Shearer's claims. The Commander of the French Naval Station believed that this act, dictated by the idea of a common and immediate interest, would meet with a reception in harmony with the motives that had inspired it. But it has been found, on the contrary, that this *modus vivendi*, temporarily accepted, did no longer suffice to the fishermen on the spots in question; they acted, in fact, as if the right of our fishermen did not exist before their own, and as if they were at liberty to extend their fishing operations with no other limit but their own interests. They consequently spread their lobster pots far beyond the line of demarcation.

The Commander of the "Bisson" thought it his duty to put a stop to these encroachments, and to request the factory-owner, James Rhyn, to at least withdraw to within the limits laid down by the English Naval Squadron. He at first submitted, and engaged to remove his traps; but he thought better of it, and left them in their places. Your Lordship must admit that Commander Antoine could not put up with this way of proceeding, which, not to speak of the light in which it might be viewed with regard to this officer himself, was derogatory to the orders given by the Commander of the British Naval Station during the fishing season of 1888. He could do so the less that, as he explains in his letter to the Commander of the "Emerald," he expected at every moment the return of our fishermen to these waters in quest of fish. If an English vessel had been on the spot, he would certainly have requested her to take the action which he saw himself compelled to take himself. Being alone, he was compelled, in the opinion of my Government, to act as he did, else he would have admitted the right of the actual occupier of the fishing grounds to dispose as masters of the "French Shore."

The Government of the Republic hope that, after considering the motives on which the conduct of Commander Antoine was based, the Cabinet of London will concur in the views I have stated. Her Majesty's Government will not, moreover,

forget that this intervention is neither novel nor unusual. In the absence of English cruizers, the French Naval Squadron has always itself redressed the illegal actions of the local fishermen. This system has been accepted without ever having given rise to difficulties, and, in fact, it had to be accepted, for circumstances made it necessary. To reverse this system would imply that the Treaties are authoritatively interpreted by any fisherman or trader of the country, without the officers of the French Naval Station, even when alone present, being able to prevent the practical carrying out of most certainly illegal interpretations of the Treaties.

In submitting these observations in accordance with the instructions which I have received, I must assure your Lordship that the French Government sees with no less pleasure the maintenance of the best relations between the officers of the two naval stations, and is no less desirous to see them continue.

I have, &c.
(Signed) JUSSERAND.

No. 161.

The Marquis of Salisbury to the Earl of Lytton.

My Lord, *Foreign Office, November* 15, 1889.

THE French Chargé d'Affaires at this Court called at this Office and stated that, according to the reports received by his Government, although the authorities in Newfoundland were conscientiously endeavouring to enforce the provisions of the Merchant Shipping Act as to the marking of vessels, their efforts were not altogether successful.

In the first place, M. Jusserand remarked, the Act itself exempted certain classes and sizes of vessels from its provisions in this respect; and, secondly, there was every inducement for the owners of vessels which were not so exempt to evade registration, because registered vessels were subject to duties from which unregistered vessels were free.

He added that what his Government considered necessary really to meet the requirements of the case was a new Regulation that all vessels should have their names and numbers, or other marks of identification, painted on their sails, as, if they were merely painted on boards, the board was likely to be thrown away, whereas a sail was too valuable to be sacrificed in this way.

M. Jusserand was informed, in reply, that it was in contemplation to invite the new Prime Minister of Newfoundland to come over to this country, after the approaching elections in that Colony had been decided, in order to discuss the whole question, and that this point might then be brought forward for consideration.

I am, &c.
(Signed) SALISBURY.

No. 162.

The Earl of Lytton to the Marquis of Salisbury.—(*Received November* 18.)

My Lord, *Paris, November* 16, 1889.

I HAVE the honour to transmit herewith to your Lordship copy of a note in which, in compliance with the instructions contained in your Lordship's despatch of the 4th instant, I have called the attention of the French Government to the action of the Captain of the French aviso "Drac" in removing certain lobster-traps on the Newfoundland coast in July last, and have prepared them for the eventual presentation of a claim for compensation.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 162.

The Earl of Lytton to M. Spuller.

M. le Ministre, *Paris, November* 16, 1889.

IN a note dated the 13th September last Her Majesty's Chargé d'Affaires had the honour to bring to your Excellency's knowledge the representation of the Captain of Her Majesty's ship "Emerald" respecting the interference by the Captain of the "Bisson" with British lobster-catching on the shores of Keppel Island, on the Newfoundland coast. I am now instructed to call your Excellency's attention to another case, reported by the same officer, of the removal of lobster-pots belonging to British subjects by the Commander of a French vessel of war under circumstances which will compel Her Majesty's Government to present a claim for compensation on account of the injury caused thereby.

The following are the main circumstances of the case in point as reported to Her Majesty's Government:—

On the 20th July last Captain Reculoux, of the aviso "Drac," on the ground that certain lobster-traps set by fishermen employed by Mr. Shearer, a British subject, in the Bay of St. Margaret's, on the Newfoundland coast, were interfering with French fishing, took them up and put them on shore below high-water mark. French fishermen at once proceeded to place their own traps on the vacated ground, whilst the British lobster-pots lying on shore exposed to the tide were considerably damaged, owing to a strong breeze which arose on the following day, and which caused considerable damage amongst them.

A British vessel of war, the "Lily," was in the neighbourhood when the Commender of the "Drac" took up the British traps, which were not causing any obstruction to French fishing-nets, as there is no regular fishing to speak of in the St. Margaret's Bay, but were removed apparently only to make room for French lobster-traps, which are not considered by Her Majesty's Government as coming within the intention of the Treaties.

I am consequently instructed to point out to your Excellency that Captain Reculoux's action in the present instance was not warranted by legality, and that the repetition of such measures by the naval officers of the Republic would be calculated to bring about complications which it has been the earnest effort of both Governments to avoid.

I have, &c.
(Signed) LYTTON.

No. 162 A.

Colonial Office to Foreign Office.—(Received November 29.)

Sir, *Downing Street, November* 22, 1889.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a transcript of the Act passed in June last by the Legislature of Newfoundland "to amend and consolidate the Laws relating to the exportation and sale of bait fishes," together with a copy of the Report upon it by the Attorney-General of the Colony. The Act was assented to by the Governor with the other legislation of the year, and therefore can now only be disallowed by Her Majesty.

I am to state that the Governor has been requested, by telegraph, to send home a full Report upon the subject of this Act, the reasons for passing it, &c.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 162 A.

ANNO QUINQUAGESIMO SECUNDO VICTORIÆ REGINÆ.

Cap. VI.—*An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes.*

[*Passed June* 1, 1889.]

BE it enacted by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows :— Enacting clause.

1. No person shall— Persons shall not export, haul, catch, take, purchase, or have in possession any bait fishes for the purpose of exportation.

(1.) Export, or cause or procure to be exported, or assist in the exportation of; or

(2.) Haul, catch, take, or have in his possession, for the purpose of exportation; or

(3.) Purchase or receive in trade or barter, for the purpose of exportation; or

(4.) Take, ship, or put, or haul on board, or assist in taking, shipping, putting, or hauling on board of any ship or vessel, for any purpose whatever; or

(5.) Carry or convey on board of any ship or vessel, for any purpose whatever, any herring, capelin, squid, or other bait fishes, from, on, or near any parts of this Colony or its dependencies, or from or in any of the bays, harbours, or other places therein, without a licence in writing, to be granted and issued as hereinafter provided.

2. Licences may be granted for any of the following purposes, viz.: Licences may be granted for certain purposes.

(*a*.) To export bait fishes to a foreign country for bait purposes;

(*b*.) To export bait fishes to a foreign country for food or consumption;

(*c*.) To export bait fishes for use for bait purposes in prosecuting deep-sea fisheries;

(*d*.) To haul, catch, or take bait fishes for exportation;

(*e*.) To purchase bait fishes for exportation for food or consumption;

(*f*.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption;

(*g*.) To purchase bait fishes for exportation for bait purposes;

(*h*.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for bait purposes;

(*i*.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this Colony.

3. No such licences shall be issued except under the authority of the Governor in Council, and countersigned by the Colonial Secretary. Licences issued under certain authority.

4. The Governor in Council may, from time to time, by Proclamation, suspend or limit the operation of this Act, and the issue of licences thereunder, in relation to any district or part of this Colony, or the coasts thereof, and for such period in relation to sale or exportation to such places, or for such purposes and in such quantities as shall appear expedient, and as shall be declared and defined in the Proclamation. Power of Governor in Council to suspend or limit operation of Act.

5. No licence under this Act shall be granted to any person unless he shall have first made an affidavit before a Sub-Collector or Preventive Officer of Customs, or a Stipendiary Magistrate, setting forth the following particulars, viz., the name of the person to whom the licence is to be granted; the name of the vessel on board of which it is intended to convey or export bait fishes; the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes; the country to which it is intended to export the same, or the place where the fishery is to be prosecuted, for which such bait fishes are to be used. Conditions under which licences granted.

6. Applications for licences under this Act shall be made to a Stipendiary Magistrate or a Customs officer, who shall require the applicant in each case to make, before him, an affidavit stating the facts and particulars, as required under section 5 to be set forth in the licence; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act. In such case it shall be the duty of such Stipendiary Magistrate or other officer to withhold such licence and await further instructions. To whom applications for licences shall be made.

ıcee shall give to Receiver-eral.

7. In every case in which a licence is granted under this Act, the person to whom the same is granted shall also give bond to the Receiver-General of this Colony, with two sufficient securities in the sum of not less than 1,000 dollars, or more than 2,000 dollars, each, containing the condition that the terms of the licence shall, in all respects, be complied with; and in the case of a licence to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture, or punishment which may be imposed for the same offence under this Act.

ı of licence, , &c.

8. The forms of the licences, affidavits, and bonds, above provided, shall be prescribed by the Governor in Council.

l clause.

9. Any person who shall violate any of the provisions of section 1 of this Act, or any of the sub-sections thereof; or

(1.) Use, dispose of, or deal with, any bait fisshes, otherwise than in accordance with the terms of the affidavit made upon application for a licence, or with the terms of such licence; or

(2.) Make any untrue statement in any affidavit upon application for a licence under this Act; or

(3.) Obtain a licence under this Act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable, for every first offence, to a penalty not exceeding 1,000 dollars, or imprisonment for a period not exceeding twelve months.

(4.) Any person convicted of a second or subsequent offence under this Act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months.

r given to cting Magis-to confiscate,

10. In addition to the punishment prescribed by the foregoing section, the convicting Magistrate may order the confiscation and sale of the herring, capelin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed, or exported in violation of the provisions of this Act, or the terms of any licence thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed, or exported, and the forfeiture of any licence held by the offender.

ty for viola-f Act.

11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a licence under this Act, shall be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months.

probandi accused

12. In any prosecution under the next preceding section, the onus of proof that the bait fishes were not intended for shipment or for exportation shall rest upon the party accused: Provided there be proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

r to appoint ıissioners rred upon nor in il.

13. The Governor in Council may, from time to time, appoint special Commissioners for the purpose of enforcing the provisions of this Act.

r to board earch ships sels conferred certain ns.

14. Any such Commissioner, or any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, or Constable may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting, bait fishes contrary to the provisions of this Act, or of any licence granted thereunder; and in case any such Commissioner, Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden, Constable, or the crew of any vessel employed by the Government, shall make a signal by hoisting the International signal B. M. I., meaning "Heave to, I will send a boat," and firing a gun or by dipping at the main peak three times the flag, with the badge of the Colony, as prescribed by the Colonial Regulations, it shall be the duty of the owner, master, or person managing or controlling such vessel to heave to until such Commissioner, Justice, Sub-Collector, Fishery Warden, or Constable shall have boarded and examined such last-named vessel; and in case of such owner, master, or person managing or controlling such last-named vessel, omitting to heave her to, or obstructing or omitting to afford facilities for such Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable in boarding and examining such vessel, he shall be subject to a penalty not exceeding 500 dollars, or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a Stipendiary Magistrate, and his vessel may be seized and held by any such

Commissioner, Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Constable until an adjudication shall have taken place upon a complaint under this section.

Certain persons may be examined on oath by a Justice of the Peace and other officials of the Government.

15. Any person found hauling, catching, taking, purchasing, selling, shipping, or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner, or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a Justice of the Peace, Sub-Collector, or Preventive Officer, Fishery Warden, or Commissioner, appointed under this Act, as to the quantity and kind of bait fishes in his possession, or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a licence under this Act, or, having such licence, being found to have violated or failed to comply with the provisions thereof, such Justice, Sub-Collector, Preventive Officer, Fishery Warden, or Commissioner may seize the boat or vessel on board of which such such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed, or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offence.

Additional powers given to officials

16. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any constable or peace officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

What shall be evidence.

17. In any prosecution under this Act, the fact of shipping, putting, or having bait fishes on board of any boat or vessel shall be *primâ facie* evidence of the same having been so shipped, put, had, or conveyed, for the purpose of exportation, and the refusal or failure to produce a licence upon being called upon so to do shall be *primâ facie* evidence of such bait fishes having been shipped, put, conveyed, or exported without a licence; and any exportation, or intended exportation, of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

Offenders may be prosecuted summarily before Stipendiary Magistrate.

18. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered, and made in a summary manner before a Stipendiary Magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution, shall, on the certificate of the Magistrate who heard the case, be paid to the prosecutor by the Receiver-General.

Power of appeal.

19. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's Supreme Court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the Judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court shall award. Any person who shall be convicted and imprisoned by any such Magistrate for an offence against this Act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the Supreme Court, to the Sheriff of the district in which such appeal may be heard.

Want of form in proceeding not ground for setting aside Judgment.

20. No proceeding or conviction by, or order of any Justice or other officer under this Act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this Act.

Interpretation clause.

21. In this Act the word "vessel" shall include any boat or ship registered or

not registered, jack, skiff, punt, or launch, whether propelled by sails, oars, or steam.

Treaty rights preserved.

22. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with Her Majesty.

Power of Stipendiary Magistrates.

23. For the purposes of this Act, all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony. All officers engaged in carrying out this Act, and the masters and crews of all vessels engaged in the said service, may severally be sworn as Special Constables, and shall, while engaged in carrying out this Act, have all the powers, authority, and protection of Police Constables.

Repealing clause.

24. The Act passed in the fiftieth year of the reign of Her present Majesty, Chapter 1, entitled, "An Act to regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes," and the Act passed in the fifty-first year of the said reign, Chapter 9, entitled, "An Act to amend an Act passed in the fiftieth year of the reign of Her present Majesty, entitled, 'An Act to regulate the Exportation and Sale of Herring,

Proviso.

Capelin, Squid, and other Bait Fishes,'" are hereby repealed: Provided that this repeal shall not be held to affect any penalty, forfeiture, or liability incurred under the said Act, or any proceedings for enforcing the same, had, done, completed, or pending at the time of this appeal, or any office, appointment, or authority or duty created, conferred, or imposed, or any right or privilege acquired or existing, or any licence granted under the authority of the said Acts; and provided further, that every person holding a licence under either of said Acts shall, as soon as practicable after the passing of this Act, surrender the same to the nearest Magistrate or Customs officer authorized to issue licences under this Act, who shall thereupon grant in lieu thereof a licence under the provisions of this Act for such purpose as the same shall be required; and any licence issued under the authority of said Acts, not so surrendered as soon as practicable, or within a reasonable period, shall be held to have been terminated, and to be of no further effect.

Time at which Act shall come into force.

25. This Act shall come into force at such date as shall be appointed by the Governor by his Proclamation.

Inclosure 2 in No. 162 A.

Report by Attorney-General upon Bait Act of Newfoundland (1889), 52 *Vict., Cap.* 6.

CHAPTER 6 consolidates with some amendments the Acts of the Sessions of 1887 and 1888 relating to the export and sale of bait fishes. No new principle is involved in the amendments, which relate only to the machinery and legal procedure for the enforcement of the provisions of the Act. The Act is to be brought into operation by Proclamation of the Governor.

No. 162 B.

Governor Sir T. O'Brien to Lord Knutsford.—(Received at the Foreign Office, December 12.)

Government House, St. John's, Newfoundland, November 25, 1889.

My Lord,

REFERRING to your Lordship's telegram of the 20th instant, I have the honour to transmit herewith a Report by the Attorney-General on the necessity of, and general scope of, the amended Bait Act passed at the last Session of the Legislature, which Report I trust will prove satisfactory to your Lordship.

I have, &c.

(Signed) T. O'BRIEN.

Inclosure in No. 162 B.

The Attorney-General, St. John's, to Governor Sir T. O'Brien.

Sir, *Attorney-General's Office, St. John's, November* 23, 1889.

IN obedience to your Excellency's request, I have the honour to submit the following Report in relation to the Act passed during the last Session of the Legislature, cap. 6, relating to the exportation and sale of bait fishes, for the purpose of pointing out the nature of the amendments therein made upon the Acts of the Sessions of 1887 and 1888, and the reasons which led to the adoption of those amendments.

The object of the Act of 1887, 50 Vict., cap 1, amended by that of 1888, 51 Vict., cap. 9, was to enable the Government to prohibit the sale, exportation, &c., of bait fishes, for the purpose of supplying bait to foreigners. (*Vide* section 1 of the Act of 1887, and section 8 of the Act of 1888.)

The object of the Act of this year is not to extend or alter in any way the purposes or intention of the former Acts, but only to provide more efficient methods of carrying them into effect.

It was found by experience that several difficulties presented themselves in enforcing the provisions of the Acts of 1887 and 1888.

The prohibitory clauses of those Acts expressly applied only to exportation, or to sale or other transaction for the purpose of exportation "for bait purposes."

The question of fact, to be determined in every case, whether the exportation or other transaction was "for bait purposes," was found to be frequently attended with great difficulty and doubt, arising from the peculiar nature of the fishery business at certain seasons and in certain places.

At, or nearly at, the same times and places at which the "bait fishes" are usually taken for "bait purposes," by and for our own fishermen for their fishery, and (formerly) for exportation to St. Pierre for the French, and for sale to United States' and Canadian fishermen, a large business has for years past been done in our waters in catching and exporting "fishes" of the same kind, particularly herring, for market in the United States and Canada, for consumption as food.

The Acts of 1887 and 1888 applied no restrictions, limitations, or conditions to this business.

It followed, as a matter of experience, that in many cases evasions of the Act took place, and prosecutions failed on account of the inability on the part of the prosecution to prove that the exportation in question was for "bait purposes," or rather that the statement of the accused, that it was for food purposes, was untrue.

It was therefore considered necessary to put the business of catching, buying, &c., these "fishes" for food purposes under some restrictions or conditions, in order to prevent its being used as a pretext for evading or defeating the object of the Act.

On the other hand, one of the provisions of the Acts of 1887 and 1888, in relation to the exportation for bait purposes, viz., that which required a licence for every sale or purchase for bait purposes, was attended with great difficulty in its application and enforcement.

In order to provide for the determination in any given case of the question of fact as to the purpose for which the exportation was intended, it was considered necessary to devise a complete system of regulations, applying to all the various classes of cases of shipping, conveying, exporting, &c., "bait fishes," known or practised in the Colony, in order that the particular kind of business against which the Act was directed might not be carried on under pretext or cover of a pretended other business.

Section 11 of the new Act applies to the various purposes for which bait fishes are usually taken, shipped, &c., and the various methods of dealing with them necessary to be placed under Regulation, in order to prevent the main object of the Act from being evaded or defeated.

The shipment, exportation, &c., being, as already stated, in all cases, for either one or other of two purposes, viz., for bait, or consumption as food, one general provision was first made applicable to every case, viz., that a licence must be obtained, setting forth and adapted to the kind of business in which the licence purposes to engage (sections 5 and 6).

The next practical difficulty attending the enforcement of the former Acts, especially as regards vessels belonging to other countries, arose from the want of power or jurisdiction over an offender, the offence of "exportation" not being complete until the offender had got beyond our jurisdiction, *i.e.*, outside the limit of our territorial waters. This difficulty it is intended to meet, as far as possible, by the provisions,

under section 7, relating to bonds with sureties, and, in cases of exportation to a foreign country, to proof of the landing of the cargo in such country.

The present Act also contains certain new provisions relating to evidence, the onus of proof, &c., rendered necessary by the peculiar nature of the business. The intention to "export," and to use the bait fishes for bait purposes, are facts as to which in any given case there would be no reasonable doubt in the mind of the Court, but as to which it is impossible in most cases to obtain direct and positive evidence. Sections 12 and 17 relate to this point.

Section 10 contains a new penal provision, viz., the confiscation of the "fish" unlawfully taken, &c. It also remedies a defect under the former Acts in relation to the power of the convicting Magistrate to confiscate, which, though intended, has been held not to have been given by the strict words of the Acts.

I have, &c.
(Signed) J. S. WINTER.

No. 163.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, December* 31, 1889.

I HAVE the honour to inform your Excellency that I communicated to Her Majesty's Secretary of State for the Colonies the note which M. Jusserand addressed to me on the 5th ultimo relative to the views held by Her Majesty's Government in regard to the action of the Commander of the French vessel of war "Bisson," in removing lobster-traps belonging to British subjects on the shores of Keppel Island, Newfoundland.

In that note M. Jusserand, in accordance with the instructions which he had received from the French Government, defended Captain Antoine's action on the ground that Mr. Shearer's lobster factory constitutes in itself a breach of French Treaty rights, and stated further that, since no British vessel of war was present, and Captain Antoine was in immediate expectation of the arrival of French fishing-vessels, that officer was justified in himself taking steps to keep the waters open for them.

M. Jusserand also maintained, as a general principle, that in the absence of British ships of war, the officers commanding French cruizers in Newfoundland waters have the right, which he asserts they have always exercised, to take the necessary steps to prevent infractions of Treaty engagements by British fishermen.

Her Majesty's Government cannot admit that there is anything in the Treaties which could be held to give to French vessels of war jurisdiction in British waters. Indeed, far from there being any foundation for M. Jusserand's contention that "la station navale Française a toujours, en l'absence des croiseurs Anglais, assuré elle-même le redressement des contraventions commises par les pêcheurs locaux," or for his statement that "ce régime a été accepté sans jamais donner lieu à des difficultés," &c., a reference to the correspondence will show that, on the contrary, acts of direct interference with British subjects which have from time to time been exercised by French ships of war off the coast of Newfoundland have invariably formed the subject of remonstrance on the part of Her Majesty's Government.

In any case in which it may appear to the Commander of a French vessel of war that French fishery rights are being interfered with, Her Majesty's Government consider that the proper course for him to adopt would be to apply to the nearest British naval officer on the first available opportunity.

Her Majesty's Government maintain that, in the absence of any express arrangement being in force to the contrary, sovereignty alone can justify such action as that taken in the present instance by a ship of war in territorial waters; and, as I had the honour to explain in my note to your Excellency of the 9th July last, and in the Memorandum which accompanied it, Her Majesty's Government cannot admit any claim on the part of France "to do anything implying in any degree the existence of French sovereignty in Newfoundland waters."

With regard to the general question as to whether or not British lobster factories are contrary to Treaty, Her Majesty's Government are unable to depart from the views which were fully set forth in my notes to your Excellency of the 23rd November, 1888, and the 28th March last.

Her Majesty's Government notice with regret that the pretensions put forward by the French Government in M. Jusserand's note are carried to a greater length than can be borne out by any interpetation of the Treaties, inasmuch as it is evident that the action on the part of Captain Antoine in removing Mr. Shearer's lobster-traps was taken not because they interfered with French fishermen, but because he anticipated that French fishing-vessels might arrive and desire to commence fishing operations on that part of the coast from which the British traps were removed.

Captain Antoine's proceedings, which would not have been justifiable even if Mr. Shearer had at the time been guilty of an infraction of the Treaty by interfering with French fishermen, appear to be of a still more unjustifiable character in the absence of any interruption to the French fishery rights, and became thereby an invasion of British territory.

I have, &c.
(Signed) SALISBURY.

No. 164.

The Earl of Lytton to the Marquis of Salisbury.—(*Received January* 22.)

My Lord, *Paris, January* 21, 1890.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the report of a question on the subject of the Newfoundland fisheries put yesterday in the Chamber of Deputies by M. Flourens to the Minister for Foreign Affairs, and of the Minister's reply, and the short subsequent debate.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 164.

Extract from the "Journal Officiel" of January 20, 1890.

Question.

M. le Président.—La parole est à M. Flourens pour adresser à M. le Ministre des Affaires Étrangères, qui l'accepte, une question sur les pêcheries de Terre-Neuve.

M. Flourens.—Messieurs, j'ai l'honneur de poser à M. le Ministre des Affaires Étrangères, qui veut bien l'accepter, une question sur les pêcheries de Terre-Neuve.

Cette question est motivée par les empêchements que les sujets de Sa Majesté Britannique à Terre-Neuve ont apportés à l'exercice des droits de pêche que la France possède sur une partie des côtes de cette île, et par l'intervention des officiers de la Marine Royale Britannique, qui, contrairement aux Traités, ont enlevé des engins de pêche déposés par nos nationaux pour l'exercice de leur industrie.

S'il ne s'agissait, dans cette affaire, que de l'intérêt des armateurs qui ont pu être directement lésés, quelque dignes de considération et de sympathie que pussent être ces intérêts, je ne serais pas monté à cette tribune; mais il s'agit de l'existence et de la conservation de nos pêcheries de Terre-Neuve; il s'agit de la dignité et de l'indépendance de notre marine marchande; il s'agit, à une époque surtout où, sous des prétextes humanitaires et philanthropiques, on parle de faire revivre cet ancien droit de visite qui porte atteinte à la liberté des mers, il s'agit de sauvegarder ce principe que, la première dans le monde, la France a proclamé, fait prévaloir, et respecter. (Très bien ! très bien !)

La Chambre, dont le patriotisme n'a reculé devant aucun sacrifice pour assurer le développement normal de nos forces navales, est convaincue qu'à quelque degré de perfectionnement que la science puisse amener nos moyens d'attaque et de défense sur mer, la meilleure sauvegarde de la France sera toujours le dévouement de nos populations maritimes. Elle n'ignore pas que, pour une portion notable, l'existence de ces populations maritimes est attachée à la conservation des pêcheries de Terre-Neuve; elle sait que c'est dans ces pêches qui se prolongent pendant des saisons entières, sous des brumes éternelles et des ouragans incessants, que se forment ces

existences de marins qui résistent ensuite à toutes les épreuves comme elles atteignent à tous les héroïsmes. (Très bien ! très bien !)

Elle voudra donc bien, j'ose l'espérer, m'accorder quelques instants d'attention et de bienveillance pour le développement d'une question qui, en raison du très grand nombre de faits accumulés, ne laisse pas que d'être assez complexe. (Parlez.)

En 1713, le Traité d'Utrecht, qui nous a enlevé l'Acadie et les derniers vestiges de notre Empire du golfe du Saint-Laurent, que nous avions si rapidement conquis et si facilement colonisé, nous a laissés néanmoins, sur une partie des côtes de Terre-Neuve qui ont reçu le nom de " French Shore," des droits de pêche qui, dès cette époque, ont été reconnus indispensables à l'existence des populations maritimes du nord-ouest de la France, de Dunkerque à Brest et à Nantes.

Tous les Traités qui, depuis, se sont occupés de cette question—je citerai notamment le Traité de Versailles de 1783 et les Traités de Vienne de 1815—ont confirmé l'existence de ce droit.

Quelles sont la nature et la portée de ce droit ? C'est ce qu'il importe de bien préciser dès le début de cette discussion.

Si nous nous reportons aux différents textes que je viens de citer, nous arriverons à nous convaincre que ce droit, s'il est limité quant à l'étendue des côtes sur lesquelles il peut être exercé, s'il est limité quant à la saison pendant laquelle il est autorisé, est illimité quant à la nature et au genre de pêches qui peuvent être exercées ; qu'il est absolu, exclusif de toute concurrence étrangère.

Pour démontrer à la Chambre l'exactitude de mon assertion sur ce point, je n'aurai qu'à lui dire la Déclaration du Roi Georges en date du 3 Septembre, 1783, qui a été annexée au Traité de Versailles et qui fait partie intégrante de ce Traité :

" Pour que les pêcheurs des deux nations ne fassent pas naître de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour obtenir que ses sujets ne troublent en aucune manière par leur concurrence les pêches des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Ainsi, par cette Déclaration, l'Angleterre prenait vis-à-vis de la France un double engagement. D'abord, elle s'opposerait de la manière la plus positive à ce que ses sujets habitant Terre-Neuve fissent une concurrence quelconque, troublassent par leurs opérations les opérations de pêche de nos nationaux ; elle s'engageait en outre à faire supprimer et retirer tous les établissements sédentaires appartenant à des nationaux Britanniques sur toute l'étendue du " French Shore."

Nos droits paraissaient, à cette époque, si bien établis, si bien définis, que certains optimistes s'écriaient, en parlant de la perte du Canada : " Que nous importe d'avoir perdu sur des terres un droit improductif, puisque nous avons conservé un droit infiniment plus précieux : le droit de pêche, qui, lui, est efficace et productif ! "

Malheureusement, la conservation de ce droit de pêche devait donner naissance à bien des conflits et à bien des négociations.

Je craindrais d'abuser des instants de la Chambre si je tentais de faire ici l'esquisse même sommaire et rapide de l'ensemble de ces négociations. Il y a seulement deux points que je me bornerai à retenir, parce qu'ils me semblent essentiels pour la démonstration que je poursuis en ce moment.

D'abord, à aucune époque, sous aucun Gouvernement, la France n'a permis que le caractère exclusif et absolu de notre droit fût, en théorie, mis en contestation. A aucune époque non plus, jusqu'à la saison de pêche de 1889, la France n'a permis que le caractère exclusif de ce droit fût, en fait, méconnu.

A l'appui de cette assertion, sans remonter bien haut, je pourrais citer les déclarations qui ont été faites à la tribune du Sénat par le Gouvernement à propos des questions posées par l'honorable Amiral Véron en 1887 et en 1888 ; le Gouvernement y a affirmé de la manière la plus positive le caractère exclusif du droit, et ces Déclarations ont été portées, par les soins de notre Ambassadeur, à la connaissance du Gouvernement Anglais.

Voilà donc, Messieurs, quel est en théorie le terrain sur lequel le Gouvernement Français s'est toujours placé. Examinons maintenant quels ont été les faits.

En 1713, en 1783, et même en 1814 et en 1815, le " French Shore " était presque complètement inhabité. Aux termes des différents Traités passés à ces époques, il aurait dû rester inhabité, puisque, d'une part, en vertu de l'Article XIII du Traité d'Utrecht, les Français s'engageaient à n'y élever aucune construction permanente, à n'y avoir que des installations provisoires et temporaires qui devaient disparaître à la fin de chaque saison de pêche, et que, d'un autre côté, en vertu de la Déclaration

du Roi George III, les Anglais s'engageaient d'une façon non moins explicite et absolue à ne tolérer de la part de leurs nationaux l'existence d'aucun établissement sédentaire.

Néanmoins, peu à peu, les habitants de Terre-Neuve sont venus, et en quantité considérable, s'établir sur le "French Shore;" ils s'y sont introduits et glissés sous le couvert des services qu'ils rendaient à nos marins. Ils se sont fait tolérer en se chargeant de garder, pendant la morte-saison de pêche, le matériel et les approvisionnements que nos armateurs avaient intérêt à ne pas transporter chaque année de France à Terre-Neuve et de Terre-Neuve en France; ils se sont fait accepter aussi en se chargeant d'aller chercher dans l'île les bois qui devaient servir à la construction des ateliers provisoires où se prépare et sèche la morue; mais ils se sont fait agréer surtout en se chargeant de pêcher, pour nos marins et nos amateurs, les différents crustacés et poissons qui servent d'appât pour amorcer l'hameçon à l'aide duquel on prend la morue.

Ainsi, petit à petit, les habitants de Terre-Neuve se sont introduits et installés sur le "French Shore" comme auxiliaires de nos marins, sous le prétexte des services qu'ls rendaient à nos pêcheurs. Aujourd'hui, ils y sont en grand nombre et ils ne parlent de rien moins que de chasser et d'expulser tous les Français.

Préoccupés des conflits auxquels devait nécessairement donner naissance une situation aussi anormale et aussi contraire aux Traités, animés l'un et l'autre d'un égal désir—il faut le reconnaître et le proclamer hautement—de tarir ces sources de difficultés, au mois de Novembre 1885 les deux Gouvernements de la Grande-Bretagne et de la France posèrent les bases d'une Convention nouvelle. Cette Convention, qui donnait aux habitants de Terre-Neuve des avantages considérables, devait calmer leurs appétits, assouvir leurs convoitises, et prévenir les différends.

Cette Convention a reçu l'approbation des deux Gouvernements. Non seulement le Gouvernement Anglais l'a approuvée, mais dans un discours du Trône, dans un Message de la Reine d'Angleterre au Parlement, la Reine s'est félicitée hautement d'avoir pu conclure un arrangement qui devait supprimer la cause de difficultés entre deux peuples voisins et amis.

Malheureusement les sentiments qui animaient la Reine d'Angleterre et son Gouvernement n'étaient pas ceux qui guidaient le Parlement de Terre-Neuve, et ce Parlement était beaucoup plus préoccupé de satisfaire les convoitises de certains riches industriels que les désirs de sa gracieuse Souveraine. Par ses refus successifs, il fit avorter la Convention. Non content de ce premier succès et poussant plus loin ses avantages, il vota une Loi qui a reçu le nom de "Bill-boët."

La "boët" est le terme générique dont on se sert dans ces parages pour désigner toute espèce d'appât destiné à amorcer les différents engins employés à la pêche. Par cette Loi, le Parlement de Terre-Neuve interdisait à tous les habitants de cette île de vendre à tous nos pêcheurs les appâts qui leur étaient nécessaires. Le but de cette prohibition ne pouvait pas être contesté et il ne l'était pas: c'était de nous rendre impossible la pêche sur le banc de Terre-Neuve. Il faut rendre cette justice au Gouvernement Anglais, qu'il hésita longtemps à donner à cette Loi l'approbation qui était nécessaire pour qu'elle devînt exécutoire contre nous.

La diplomatie Britannique eut des scrupules—et on sait que la diplomatie Britannique n'a pas des scrupules à la légère.

Le Gouvernement Anglais, qui se réclame volontiers des principes de libre échange, qui se targue de son attachement à ces principes et qui en tire, le cas échéant, des bénéfices appréciables, comprit ce qu'il y avait d'anormal et d'exorbitant à sanctionner une prohibition aussi sauvage et aussi monstrueuse. Sauvage et monstrueuse non seulement vis-à-vis des Français puisqu'elle n'avait évidemment d'autre but que de leur nuire, que de rendre inefficace à leur détriment la clause d'un Traité au bas duquel était la signature de la Grande-Bretagne, mais sauvage encore et monstrueuse vis-à-vis de la population de Terre-Neuve, population pauvre dont l'industrie de la fourniture des appâts était la principale ressource, à qui elle rapportait plus d'un million par an, population qui se sentait exploitée et pressurée au profit de quelques riches industriels établis sur la côte et qui, pour la plupart, ne sont pas même habitants de Terre-Neuve, mais viennent des côtes de la Nouvelle-Écosse ou des Iles du Prince-Édouard. Le Gouvernement Anglais hésita donc, tergiversa pendant deux ans, mais finit par céder. Depuis quelques années, la Grande-Bretagne semble ne gouverner ses Colonies qu'à la condition de leur obéir.

Le "Bill-boët" fut ratifié. Cette ratification entraînait pour le Gouvernement Français de nouvelles obligations et de nouveaux devoirs, sous peine de laisser péricliter une industrie dont j'ai signalé tout à l'heure à la Chambre l'importance nationale.

Le Gouvernement comprit et agit avec promptitude et décision. Il fit procéder à une exploration méthodique des différentes baies du "French Shore," fit reconnaître parmi ces baies celles qui présentaient le plus d'avantages pour la pêche de l'appât. Ce travail, confié à un officier supérieur très distingué, le Commandant Humann, qui est aujourd'hui Contre-Amiral, a été publié par les soins du Ministère de la Marine et distribué aux Chambres de Commerce, qui l'ont porté à la connaissance des intéressés. Mais avoir constaté la possibilité de se passer du concours des habitants de Terre-Neuve pour la pêche de l'appât, avoir déterminé les baies dans lesquelles cette pêche pouvait être exécutée, ce n'était là qu'une partie de la tâche qui incombait au Gouvernement, et ce n'était peut-être pas la plus difficile.

En effet, la pêche de l'appât devait être coûteuse parce qu'elle nécessiterait des équipages plus nombreux et des engins particuliers, et elle ne pouvait pas être par elle-même lucrative, puisqu'elle ne pouvait s'exercer que pendant une période de temps très courte, au moment où les navires banquiers viennent s'approvisionner à la côte. Mais le Ministère de la Marine se convanquit que si à l'industrie de la pêche de l'appât on joignait celle de la fabrication des conserves de homard, l'opération pouvait devenir fructueuse.

En effet, depuis quelques années l'industrie de la fabrication des conserves de homard a pris une grande extension dans ces parages. Sur le "French Shore," des fortunes considérables se sont faites rapidement. Si on consulte les États de statistique qui sont dressés chaque année par le Gouvernement de Terre-Neuve, on arrive à reconnaître qu'en 1885 les exportations de Terre-Neuve, en conserves de homard, pour la France, se sont élevées à 144,000 kilog.; en 1886, à 185,000 kilog.; et en 1887, à 555,000 kilog., représentant une valeur totale de 3,500,000 fr.

Malgré les attraits que pouvaient exercer sur certains esprits les bénéfices à réaliser dans cette opération, le Ministère de la Marine eut beaucoup de peine à déterminer les industriels à exposer leurs capitaux dans cette entreprise.

Après de nombreuses démarches, on mit enfin la main sur un armateur de Nantes, M. Thubé, qui, avec deux associés, consentit à risquer l'entreprise.

M. Thubé se fit complètement l'homme de l'Administration; il se mit en rapport direct avec les représentants du Ministère de la Marine; il suivit de tous points leurs conseils et leurs instructions, se soumit aux prescriptions de la Circulaire Ministérielle du 6 Octobre, 1887, émanant de M. Barbey, qui était alors, comme aujourd'hui, Ministre de la Marine.

M. Thubé se rendit au point indiqué et exerça son industrie exactement dans les conditions prescrites.

M. Thubé rendit ainsi des services appréciables. Il arriva, en fondant l'industrie nouvelle pour nous de la pêche de la boët, à approvisionner à l'instant opportun et en fort peu de temps plus de douze cents pêcheurs et vingt navires banquiers. C'était un premier service rendu à notre industrie de la pêche de Terre-Neuve.

De son côté, notre Gouvernement tenait, en 1888, scrupuleusement les engagements pris vis-à-vis de M. Thubé.

Sous la direction du Ministère des Affaires Étrangères, le Ministère de la Marine et des Colonies donna des instructions très fermes et très précises.

Le Commandant de la Division Navale reçut l'ordre de faire respecter les droits exclusifs de nos nationaux; il s'en acquitta avec fermeté et modération.

Deux associés Anglais, MM. Andrews et Murphy, vinrent s'établir auprès de M. Thubé pour lui faire concurrence et entraver ses opérations. M. Thubé signala le fait au Commandant de la Division Navale, qui se rendit sur les lieux et expulsa les intrus. Cet acte de vigueur fut approuvé sur toute la côte et produisit le meilleur effet; il fut approuvé non seulement par nos nationaux, mais même par les habitants de l'Ile de Terre-Neuve, qui, ainsi que je l'ai dit, sont exploités, non moins que leurs crustacés ou leurs poissons, par ces industriels étrangers venant des côtes voisines.

Non seulement cet acte ne souleva que des approbations à Terre-Neuve, mais le Gouvernement Anglais lui-même reconnut la parfaite correction de cette manière de procéder. En effet, les Sieurs Andrews et Murphy rédigèrent une protestation qu'ils adressèrent au Gouvernement Anglais. Celui-ci rejeta cette protestation. Les termes de cette décision méritent d'être mis sous tous les yeux de la Chambre, car ils définissent très bien, suivant moi, la situation juridique. La voici :—

"J'ai l'honneur de vous demander—répond-on au nom du Gouvernement Anglais—de vouloir bien me faire savoir quel droit ces messieurs—Andrews et Murphy—ont sur les terrains où ils ont commencé à construire leur usine." Ainsi le Gouvernement

Anglais reconnaissait parfaitement que ces nationaux n'avaient à faire valoir aucun droit sur le " French Shore " où ils avaient construit leur usine.

Cette décision du Gouvernement Anglais est d'autant plus importante à noter que les réclamations des Sieurs Andrews et Murphy étaient fondées sur une distinction à la fois scientifique et juridique qui a cours parmi les politiciens de Saint-Jean à Terre-Neuve, qui fait la base principale de leur argumentation contre nous : " Les Français," disent-ils, " ont le droit de pêcher, c'est vrai, mais ils n'ont que le droit de pêcher. Or, on ne pêche que des poissons. Les homards sont des crustacés ; donc on ne peut pas pêcher des homards, et les Français n'ont pas le droit de capturer des homards."

Cette distinction, un peu subtile, est en contradiction avec le texte des Traités et avec l'application constante qu'ils ont reçue depuis 1713.

Mais je veux bien un instant me placer sur ce terrain du droit strict sur lequel témérairement peut-être nous appellent en ce moment les habitants de Terre-Neuve. J'admets un instant, quoique le fait ne soit pas exact, que nous n'ayons pas le droit de pêcher le homard sur le " French Shore," il ne s'ensuivrait nullement que les Anglais auraient le droit d'exercer cette pêche. (Très bien ! Très bien !) Le Gouvernement Anglais, d'une part, ne doit pas tolérer là des constructions d'établissements permanents. Or, les homarderies Anglaises, à la différence des homarderies Françaises, sont toutes permanentes.

D'autre part, le Gouvernement Anglais s'est formellement engagé à ne pas permettre que les pêcheurs Britanniques troublassent par la concurrence, d'une façon quelconque, les opérations de pêche de nos marins à Terre-Neuve. Or, les homardiers de Terre-Neuve pratiquent leur industrie dans des conditions telles que non seulement ils troublent les opérations de nos pêcheurs, mais qu'ils les rendent impraticables, impossibles.

En effet, ils placent à l'entrée des baies des casiers en bois grossièrement faits, pour prendre les homards. Ces casiers accrochent et déchirent au passage les sennes et les filets de nos pêcheurs, et les rendent inutilisables ; d'autre part, en établissant à l'entrée des baies, soit des trappes pour empêcher le saumon de sortir, soit des casiers, ils empêchent la morue d'entrer dans les baies du " French Shore ;" ils l'effrayent et la morue gagne les bas-fonds où il devient impossible de la prendre.

Il faut savoir que la morue, à mesure qu'elle remonte vers le détroit du Labrador, sentant le fond diminuer, devient très méfiante et qu'il faut que le capitaine chargé de la pêche dans une baie emploie les plus grandes précautions pour qu'elle consente à entrer dans cette baie.

Les pêcheurs Anglais, soit consciemment, soit insciemment, soit qu'ils veuillent ou non nous décourager par le peu de soin qu'ils apportent à la disposition de leurs engins de pêche, trappes ou casiers, effrayent le poisson et l'empêchent de pénétrer dans les baies.

Ainsi donc, si on se place sur le terrain du droit, le Gouvernement Français devrait—ce serait son devoir strict et absolu—faire supprimer toutes les homarderies Anglaises et faire interdire la pêche du homard, puisque telle qu'elle est pratiquée elle constitue une gêne et une entrave à nos opérations de pêche.

Quoi qu'il en soit, comme je l'ai expliqué tout à l'heure à la Chambre, en 1888 le droit exclusif des pêcheurs Français avait été proclamé par le Gouvernement Français, il avait été respecté par le Gouvernement Anglais lui-même.

Il n'en a malheureusement pas été de même en 1889. En 1889 comme en 1888, le Ministre de la Marine s'est adressé à M. Thubé et lui a demandé de recommencer les expériences qu'il avait faites avec un résultat satisfaisant l'année précédente.

En 1889 comme en 1888, M. Thubé s'est mis dans la main de l'Administration. Il s'est rendu sur les points qui ont été arrêtés d'un commun accord, et il y a exercé son industrie dans les conditions qui ont été déterminées et spécifiées.

Mais en 1889, à la différence de ce qui s'est passé en 1888, quand il a réclamé le concours de la division navale Française, quand il a signalé l'établissement des pêcheurs Anglais établis à côté de lui et qui lui rendaient impossible, impraticable, l'exercice de son industrie, le Commandant de la division navale a dû répondre qu'il n'avait pas d'instructions suffisantes et qu'il ne lui était pas permis de procéder à l'expulsion des pêcheurs.

Et pour se rendre compte de l'étendue du préjudice causé par cette décision, par cette abstention du Commandant de la Division Française, par ce refus de l'aide et de l'assistance promises, il faut savoir que la constitution des baies de Terre-Neuve est telle qu'il est matériellement impossible que deux armateurs, fussent-ils de la même nationalité, y exercent concurremment la pêche.

C'est sur cette nécessité absolue, contrôlée par une expérience plus que séculaire, qu'est basée l'économie de tous les Décrets, jusqu'au dernier, datant du 22 Mars, 1862, actuellement en vigueur, qui ont réglementé la pêche sur les côtes de Terre-Neuve. Par conséquent, en autorisant la concurrence du pêcheur Anglais vis-à-vis du pêcheur Français, on ne rendait pas moins fructueuse les opérations du pêcheur Français, on les rendait absolument impossibles.

J'ai sous les yeux les lettres, les réclamations, et les protestations du Commandant de Pêche envoyé par M. Thubé, le Capitaine Philippe. Il écrit au Commandant de la Division Navale Française de Terre-Neuve, aux Commandants de nos différents croiseurs, le "Drac," le "Bisson," &c.; il réclame l'aide et l'assistance promises, il signale les agissements qui tendent à provoquer des rixes entre les hommes de son équipage et les hommes employés par les homarderies, qui sont en plus grand nombre et deviennent provoquants; il indique que la situation est si défavorable que, fait sans précédent dans les annales de Terre-Neuve et que les plus vieux pêcheurs ne se rappelaient pas avoir vu, l'équipage Français ne peut pêcher assez de poisson pour amorcer les hameçons et même pour nourrir ses hommes.

Et cela se résume dans cette exclamation mélancolique d'un homme de Terre-Neuve: "Je n'ai jamais eu plus d'Anglais sur le dos et moins de poissons dans le ventre."

Aux protestations, aux réclamations de M. Philippe se sont jointes les lettres adressées par M. Thubé aux Ministres de la Marine et des Affaires Étrangères; le Ministre de la Marine renvoie au Ministre des Affaires Étrangères; ce dernier ne répond pas. Aux protestations de M. Thubé s'ajoutent les délibérations des Chambres de Commerce de Nantes et de Saint-Malo.

Cependant, à la suite des réclamations de M. Thubé ou de son capitaine, la division navale Française était venue stationner devant la baie où M. Thubé exerçait ses opérations; mais, à la nouvelle que la division Anglaise approche, la division Française lève l'ancre et disparaît à l'horizon. (Mouvements divers.)

Immédiatement apparaît la division navale Anglaise. C'est d'abord le Capitaine Walker, à bord de "l'Émeraude," qui adresse une première sommation, que j'ai ici, au Capitaine Philippe, d'avoir à cesser des opérations de pêche qui constituaient, d'après lui, une concurrence illicite aux pêcheries Anglaises.

Le Capitaine Philippe ne tient pas compte de ces avertissements. Arrive le Commandant Russell, à bord du navire le "Lys," de la Marine Royale Britannique, qui adresse une sommation nouvelle au Capitaine Philippe. Celui-ci répond avec modération mais dignité qu'il ne connaît que les officiers de la division Française, qu'il ne doit obéissance qu'à eux, qu'il est là en vertu des ordres de son patron, conformément aux instructions de son Gouvernement, et qu'il ne quittera son poste que lorsqu'il en recevra l'ordre écrit des officiers Français.

Le Commandant Russell fait alors débarquer des hommes de son équipage et enlever les engins de pêche.

La Chambre me rendra, je l'espère, cette justice que je ne cherche pas à passionner le débat, que je me renferme dans la discussion calme et impartiale de nos droits. (Très bien! très bien! sur divers bancs.)

Mais il m'est impossible de taire le sentiment que j'éprouve et que, j'en suis sûr, vous éprouvez tous (Très bien! très bien!) au spectacle de la division navale Française levant l'ancre à l'approche de la division navale Anglaise, comme si elle n'était plus sûre de la légitimité de l'action qu'elle est appelée à exercer à Terre-Neuve, comme si elle avait perdu confiance et dans sa force et dans son droit; au spectacle, aussi, d'un capitaine de la marine marchande mis dans un poste qui a été désigné par le Ministre de la Marine—j'ai les pièces à mon dossier—qui répond que, placé là par son Gouvernement, il ne peut se retirer que sur les ordres de ce Gouvernement, et qui est obligé néanmoins de subir la mainmise étrangère. (Très bien! très bien!)

Je n'insiste pas, Messieurs: mais de l'ensemble des faits que je viens d'exposer, il me semble résulter avec évidence que le Parlement de Saint-Jean de Terre-Neuve suit un plan méthodique et raisonné pour arriver à un triple résultat. D'abord il veut expulser complètement et définitivement les Français de toute l'étendue du "French Shore."

Il veut ensuite, en nous rendant impossible de nous procurer l'appât, ruiner et anéantir nos pêcheries sur le banc de Terre-Neuve. Il veut enfin supprimer la concurrence que la morue Française fait sur certains marchés de l'Europe à la morue Anglaise.

En 1887, l'application du "Bill-boët" a été le premier pas dans cette voie. Il a été, suivant l'expression d'un orateur du Parlement de Terre-Neuve qui s'est fait à ce

moment l'interprète des sentiments qui étaient ceux de ses collègues, le premier acte de la pièce contre les abominables Français. On voulait nous rendre impossible la pêche par la suppression de l'appât. Nos marins ont détourné le coup et ils ont trouvé le moyen de se procurer de l'appât en dehors de l'intervention et du concours des habitants de Terre-Neuve.

En 1889, l'enlèvement des engins de pêche destinés à capturer le homard qui sert d'appât pour la pêche de la morue, par les officiers de la division navale Anglaise, constitue le second acte.

En présence d'un plan conduit avec cet esprit de suite, on se demande si le Parlement Français doit, à son tour, se désintéresser complètement de la question. Il ne s'agit pas, en effet, seulement, comme je le disais au début de mes observations, d'un intérêt personnel. Il ne s'agit même pas d'un intérêt exclusivement local, il ne s'agit pas seulement de l'intérêt de tous les armateurs, industriels, ou fournisseurs, qui, à un titre quelconque, tirent bénéfice ou vivent de la pêche à la morue. C'est une pêche qui, bon an mal an, rapporte 30 à 40 millions à nos pêcheurs du littoral et pour laquelle on dépense, en achats de vivres et approvisionnements, une dizaine de millions chaque année; mais il s'agit d'un intérêt supérieur, suivant moi: il s'agit de savoir si, cette pêche venant à disparaître, les 16,200 inscrits maritimes pour lesquels elle constitue une ressource indispensable, pourront y suppléer, et, s'ils ne peuvent y suppléer et si ces inscrits maritimes sont obligés de s'expatrier, comment M. le Ministre de la Marine pourra les remplacer dans les cadres de ses équipages. Voilà la question.

La Chambre l'examinera et l'appréciera.

Quant à moi, je me borne à poser à M. le Ministre des Affaires Étrangères une question bien simple et bien claire et à laquelle, je crois, il lui sera aisé de répondre.

Nous sommes arrivés au moment où les navires destinés à aller pêcher à Terre-Neuve terminent leurs armements et doivent quitter leur port d'attache. En 1888 et en 1889, le Gouvernement n'a pas suivi la même ligne de conduite, ainsi que je l'exposais tout à l'heure à la Chambre. De cette contrariété dans la manière d'agir dans les décisions du Gouvernement est née une grande irrésolution de la part des armateurs et une complète incertitude sur les résolutions à prendre.

Il s'agit de savoir si, en 1890 comme en 1888, le Gouvernement dira aux pêcheurs: Je vous donne ma protection et s'il les protégera, ou si, en 1890 comme en 1889, le Gouvernement s'abstiendra et ne donnera pas aux pêcheurs et armateurs Français la protection sur laquelle ils se croyaient jusqu'ici en droit de compter. Je reconnais que M. le Ministre des Affaires Étrangères a le droit absolu de me faire sur ce point, sous sa responsabilité, devant la Chambre et le pays la réponse qu'il jugera la plus opportune. Mais M. le Ministre des Affaires Étrangères pensera comme moi qu'il faut absolument que les intéressés soient fixés, et qu'il n'est pas admissible qu'en 1890 comme en 1889 le Gouvernement dise aux armateurs: "Allez à tel endroit; j'y serai à côté de vous et je vous y protégerai," et refuse ensuite cette protection et livre nos nationaux à l'abandon, à la ruine, et à la mainmise étrangère.

M. le Comte de Lanjuinais et plusieurs Membres à Droite.—Très bien! très bien!

M. Flourens.—M. le Ministre de la Marine et M. le Ministre des Affaires Étrangères voient très nettement le point sur lequel je pose exclusivement ma question. Je désire savoir quelles sont les instructions données. Il ne m'appartient pas de préjuger, à aucun degré, la réponse que va me faire M. le Ministre des Affaires Étrangères, mais j'ai lu dans certains journaux que M. le Ministre des Affaires Étrangères devait me répondre qu'il avait l'intention de porter la question devant un arbitre; dans d'autres journaux j'ai lu qu'il avait l'intention de me répondre qu'il avait engagé ou qu'il allait engager des négociations.

Je voudrais prévenir toute équivoque et tout malentendu.

Ces deux réponses ne satisfont pas à la question précise que je pose.

Personne plus que moi n'est partisan de l'arbitrage, personne plus que moi ne désire le voir se généraliser, car c'est la manière la plus conforme à l'esprit de notre siècle de terminer les conflits entre peuples civilisés; mais pour qu'il y ait arbitrage, il faut qu'il y ait matière qui puisse y donner lieu. Pour qu'il y ait matière à arbitrage, il faut qu'il y ait un droit contesté. Or, ici il ne s'agit pas d'un droit contesté, notre droit ne l'est pas, il n'est pas même contestable (Marques d'assentiment); il s'agit de savoir si le Gouvernement a l'intention de faire respecter notre droit.

Si M. le Ministre des Affaires Étrangères me répondait qu'il y a des négociations engagées, ce n'est pas pour obtenir de lui une déclaration de cette nature que je me serais permis de déranger M. le Ministre des Affaires Étrangères; ce que je lui

demande c'est de savoir si, nonobstant toutes négociations à engager ou engagées, dès à présent, nos armateurs sont fixés sur l'étendue de leurs droits, sur les opérations qui leur seront permises dans la prochaine campagne de pêche. (Applaudissements sur divers bancs.)

M. le Président.—M. le Ministre des Affaires Étrangères a la parole.

M. Spuller (Ministre des Affaires Étrangères).—Messieurs, après l'exposé si clair, si complet, que vient de faire M. Flourens de la question qu'il s'était proposé depuis longtemps de m'adresser, il me semble que j'aurais le droit d'y répondre en très peu de mots. Je n'ai, en effet, rien à apprendre à la Chambre de plus que ce que vient de lui enseigner mon honorable collègue et prédécesseur au Ministère des Affaires Étrangères.

Il a repris la question dans ses origines, il l'a suivie dans ses développements et finalement il l'a amenée au point où nous en sommes, pour me poser la question qui l'intéresse.

Cependant, en suivant ces développements, en les écoutant avec l'attention que mérite l'orateur, je me suis trouvé en dissentiment avec lui sur plus d'un point.

Il est dans cette affaire des côtés qu'il a volontairement négligés, ou plutôt qu'il a laissés dans l'ombre. Il en est d'autres, au contraire, sur lesquels il a plus particulièrement insisté. Ces points touchent à des questions d'une nature extrêmement délicate, et je dirai sans détours que l'honorable orateur jouit de plus de liberté que je n'en ai moi-même pour les discuter dans tous leurs éléments.

La question des pêcheries de Terre-Neuve est très ancienne. L'honorable M. Flourens a rappelé que, depuis le Traité de 1713, bien que nos droits n'aient jamais été contestés théoriquement—car ils ne peuvent pas l'être sur le terrain des principes—il y a eu constamment dans la pratique des incidents de fait qui ont amené des contestations pouvant aboutir même à de véritables conflits, mais qui se sont toujours jusqu'à présent, grâce aux dispositions conciliantes des deux Gouvernements, terminées par des solutions à l'amiable.

Très vraisemblablement, tant que la situation actuelle durera, les mêmes causes de contestations subsisteront; mais il faut espérer qu'en y apportant de part et d'autre un égal désir de conciliation, les mêmes solutions amiables réussiront à prévaloir.

Ce droit de pêche qui nous appartient à Terre-Neuve est une sorte d'usufruit dont nous jouissons dans un pays qui ne nous appartient pas, sur lequel nous n'avons pas une pleine souveraineté, aux termes des Traités. Nous n'allons à Terre-Neuve que pour y exercer—je me servirai d'un mot Anglais, bien que l'usage de cette langue ne me soit pas familier (Rires)—notre droit de "fishing," que pour y pêcher et seulement que pour y pêcher et cela pendant la saison, juste le temps nécessaire, passé lequel nos pêcheurs doivent rentrer chez eux. A cet égard, les dispositions des Traités sont formelles.

Pendant très longtemps, pendant plus d'un siècle, depuis le Traité d'Utrecht, les parages de Terre-Neuve où le droit de pêche nous est réservé ont été ainsi dans l'océan Atlantique et dans le golfe Saint-Laurent comme une sorte de domaine special, qui n'était en quelque sorte habité, fréquenté, que pendant la saison de la pêche.

Un Membre à Droite.—C'est encore aujourd'hui comme cela.

M. Riotteau.—Il s'agit du grand banc. Le grand banc n'est pas Terre-Neuve.

M. le Ministre des Affaires Étrangères.—Cependant personne n'ignore que la colonie de Terre-Neuve, car il ne s'agit aucunement des bancs, a pris un développement considérable, surtout depuis les derniers Traités, ceux de 1815, qu'il y a aujourd'hui à Terre-Neuve toute une population fort active, très industrieuse, et même ambitieuse.

M. Riotteau.—Elle n'a aucun droit sur le grand banc; c'est un terrain neutre.

M. le Ministre.—Qui supporte difficilement toute espèce de voisinage; et je n'apprendrai à personne, pas même à ceux qui n'ont pas l'habitude d'aller à Terre-Neuve tous les ans, que cette population professe hautement la doctrine que Terre-Neuve appartient ou doit appartenir—je ne dis pas aux Anglais, ni aux Français—mais aux Terre-Neuviens.

M. Riotteau.—Le grand banc n'a rien à voir dans la question, c'est des rivages même du "French Shore" qu'il s'agit.

M. le Ministre.—En effet, et quoi qu'il en soit de la doctrine en question, les Traités subsisteront toujours dans toute leur intégrité, quelle que soit la destinée politique de Terre-Neuve.

Nul ne pourrait songer à violer les droits de la France sans s'exposer à de justes et nécessaires revendications. Personne ne peut avoir une pareille idée.

Il n'en est pas moins vrai qu'il est absolument impossible de ne pas tenir compte d'un phénomène relativement moderne, et dont les conséquences sont loin d'être épuisées, je veux parler de l'accroissement de la population de Terre-Neuve, des appétits et de l'ambition de cette population ; et la preuve que vous êtes obligés d'en tenir compte, je le trouve dans ce fait que les négociations dont a parlé M. Flourens, que nous avons engagées avec l'Angleterre en 1885, qui avaient obtenu l'assentiment du Gouvernement de la Reine Victoria et qui étaient annoncées comme devant mettre fin à des difficultés datant de plus d'un siècle, ont finalement échoué parce qu'elles se sont heurtées à la résistance du Parlement local de Terre-Neuve (exclamations et rumeurs sur un grand nombre de bancs), résistance dont le Gouvernement de la Métropole n'a pu triompher. (Interruptions à Gauche.)

M. Burdeau.—Nous ne pouvons pas admettre une théorie semblable.

Plusieurs Membres à Gauche.—Nous ne pouvons donc pas nous faire respecter.

M. le Ministre.—C'est assez vous faire voir, Messieurs, que toutes ces questions sont complexes.

M. le Provost de Launay.—Nous ne sommes pss défendus à Londres pas plus dans cette question que quand il s'agit des bestiaux.

M. de Lamarzelle.—Tous vos prédécesseurs ont fait respecter nos droits.

M. le Ministre.—J'étais obligé de faire remarquer à la Chambre que la question des pêcheries de Terre-Neuve a revêtu un caractère différent de celui qu'elle a longtemps présenté. Si vous ajoutez à cela un événement qui s'est produit il y a trois ou quatre ans et qui a changé en quelque sorte la nature et déplacé pour ainsi dire le point vif des difficultés qui dans la pratique ont toujours existé entre les deux pays—je veux dire les tentatives faites récemment non seulement pour molester la pêche de la morue, mais aussi pour empêcher celle du homard—vous comprendrez le caractère et la gravité des embarras nouveaux en présence desquels nous nous trouvons aujourd'hui.

C'est qu'en effet, Messieurs, la pêche du homard à Terre-Neuve est de date toute récente. On ne le pêche guère que depuis 1885, et ce n'est, pour le dire en passant, que le petit côté de la question des pêcheries Françaises. J'ai là sous les yeux le chiffre des bateaux et le nombre des hommes employés à cette pêche. La pêche du homard n'intéressait, et encore partiellement, l'année dernière, que onze navires et 474 pêcheurs, au service de quatre armateurs seulement.

Comparez ces faibles chiffres aux chiffres des bateaux, au nombre des pêcheurs que la pêche de la morue continue à employer, car cette industrie que l'on dit si menacée va au contraire en se développant tous les ans, ainsi qu'en témoignent les Rapports des Commandants de notre station navale, et vous verrez alors, réduite à ses véritables proportions, l'importance toute relative de la question qui nous est posée par l'honorable M. Flourens au nom de l'un des armateurs pour la pêche du homard.

En 1889, la pêche de Terre-Neuve a employé 9,581 pêcheurs et 797 navires ; c'est une augmentation sensible sur les chiffres des années précédentes.

En effet, voici la progression :—

En 1887, la pêche à Terre-Neuve avait occupé 699 navires et 7,158 hommes ; en 1888, 836 navires et 8,949 hommes.

Nous sommes donc en droit de constater que la pêche à la morue, la grande pêche, comme on dit, est toujours florissante à Terre-Neuve.

Quant à la pêche du homard, on n'a guère songé à y recourir qu'en 1885, à la suite de la diminution momentanée de la morue, à cette date, sur la côte ouest. Nos pêcheurs et nos armateurs cherchèrent très légitimement dans l'exercice de la pêche du homard la source do nouveaux profits. Mais l'initiative intelligente et hardie qu'ils prirent à cet égard fut également, il ne faut pas se le dissimuler, l'origine et la source des difficultés nouvelles que M, Flourens vous a spirituellement fait connaître. Nos concurrents ont prétendu au droit de distinguer entre la morue, qui serait un poisson, et le homard, qui serait un crustacé. (Rires sur divers bancs.)

A Droite.—Qui est ! qui est !

M. le Ministre.—Messieurs, le Traité d'Utrecht, entre autres avantages, a celui de ne pas distinguer entre poissons et crustacés. Je crois que ceux qui l'ont rédigé, que les savants même qui s'occupaient de ces matières à cette époque, ne distinguaient pas entre les différentes espèces vivant au fond de la mer. Dans notre opinion, cette distinction n'a jamais été faite par les Traités qui établissent nos droits, et tous les Ministres des Affaires Étrangères se sont prononcés dans ce sens. Exprimée au Sénat en 1887, par l'honorable M. Flourens, et en 1888 par mon honorable prédécesseur M. Goblet, cette opinion est toujours la nôtre, et je la reprends aujourd'hui avec la

même netteté et la même conviction ; le droit reconnu à la France est absolu, sans aucune restriction ; ce droit de pêche doit s'entendre du homard comme de la morue, comme de toutes les espèces vivant au fond de la mer, et nous avons le devoir de protéger ceux de nos marins qui exercent ce droit, sans s'occuper des distinctions que l'on essaye d'établir. (Très bien ! très bien ! sur divers bancs.)

Mais, Messieurs, si je déclare à la tribune sans aucune difficulté d'ailleurs, que telle est notre doctrine, il ne faut pas conclure que cette doctrine ne soit pas contestée. Tout au contraire, sur le terrain même des principes, dans le domaine théorique dont nous parlions tout à l'heure, on la conteste formellement. Le Gouvernement Anglais, je ne dis pas seulement le Parlement local de Terre-Neuve, conteste formellement aux pêcheurs Français le droit de capturer le homard.

M. de Lamarzelle.—C'est nouveau, cela ?

M. le Ministre.—Pas du tout ! Telle a toujours été la prétention du Gouvernement Anglais, depuis que la pêche au homard s'est développée.

M. Freppel.—Mais les Traités ne distinguent pas.

M. le Ministre.—C'est, en effet, notre opinion et tous nos efforts tendent à la faire prévaloir. Aussi bien, si le débat portait uniquement sur la différence qui peut exister en histoire naturelle, entre la morue et le homard, entre le poisson et le crustacé, le débat serait de peu d'intérêt ; mais nous sommes obligés d'en venir à l'examen des conséquences de cette distinction, qui offre un intérêt plus pratique. En effet, la pêche de la morue se fait, en camp volant, si vous me permettez cette expression, qui a si longtemps existé : on va, on vient, on prend le poisson, on le tranche, on le sale, on le fait sécher, puis l'on part, on s'en va, et on ne laisse rien après soi.

Il n'en est pas de même du homard, qui exige un tout autre apprêt, avec des installations toutes différentes.

Et c'est précisément une des questions sur lesquelles on négocie en ce moment ; c'est ce qu'on appelle la question des homarderies.

Cet échange de vues dont je vous entretiens, Messieurs, dure déjà depuis quelque temps, puisque dans le discours qu'il a prononcé en 1887 devant le Sénat l'honorable M. Flourens déclarait à l'Amiral Véron qu'il jugeait inopportun et imprudent de pousser plus loin l'examen de la question, attendu que des négociations étaient pendantes et qu'il convenait de leur laisser un libre cours. Eh bien, Messieurs, ces négociations durent encore ; elles ne sont pas terminées, d'abord parce que toute négociation qui porte sur des questions de détail comporte une série d'examens faits à diverses reprises et à des points de vue différents ; mais aussi—et je veux l'ajouter toute de suite—parce qu'elles se compliquent souvent, trop souvent, de réclamations particulières.

M. de Lamarzelle.—Mais celui de nos nationaux auquel vous faites allusion, c'est vous-même qui l'avez engagé à aller à Terre-Neuve.

M. le Ministre.—M. Thubé, puisque c'est de lui qu'il est question, m'a fait l'honneur de venir me voir, pour me tenir au courant de ce qui lui est arrivé cette année. J'ai écouté attentivement les explications qu'il me donnait, avec le sincère désir de le soutenir dans ses réclamations. Il m'a averti qu'au cours de la campagne de 1889 le capitaine de l'un de ses navires s'était trouvé en contestation avec un capitaine de croiseur Anglais et que celui-ci lui aurait fait connaître qu'il n'aurait plus à venir pêcher le homard en cet endroit, l'année prochaine.

Ce propos était en effet très alarmant ; j'ai désiré m'enquérir afin de savoir si, véritablement, de telles paroles avaient été prononcées et si les instructions émanant du Gouvernement Anglais autorisaient ses officiers à tenir un pareil langage. Je me suis informé et voici ce qui m'a été répondu.

Il résulte d'une lettre adressée par le Premier Ministre de la Reine à l'Ambassadeur de France à Londres qu'on n'a trouvé nulle trace, ni au Colonial Office ni au Foreign Office, d'aucun avertissement formel qui aurait été donné au Commandant de la station navale. (Exclamations sur divers bancs.)

M. Freppel.—Aucun avertissement formel !

M. le Ministre.—Messieurs, je ne puis pas employer d'autres expressions que celles que je trouve dans le document qui m'a été envoyé de Londres. Je vous fais connaître la réponse qui m'a été faite.

Vous assurez qu'on a dit au Commandant de M. Thubé qu'il ne pourrait plus revenir l'année suivante. J'ai fait connaître au Gouvernement Anglais, par l'Ambassadeur de France, que ce propos avait été tenu, et j'ai demandé si c'était en vertu d'instructions que ce Commandant avait parlé ainsi. On me répond qu'aucune trace n'a été trouvée d'un avertissement . . . . (Interruptions.)

Sur divers bancs. Formel !

M. le Ministre.—Que voulez-vous que je vous dise ? Ce sont les paroles du Premier Ministre. Je ne peux pas répondre à sa place et me servir d'autres expressions que celles qu'il a employées. Aucun avertissement formel n'a été donné par le Commandant de le station navale de la Grande-Bretagne, soit au Commandant de M. Thubé, soit à un autre citoyen Français, pour leur interdire de reprendre cette année leurs opérations de pêche de homard.

Puisque aucun avertissement dans ce sens n'a été donné, je révoque en doute le point spécial, le fait particulier sur lequel M. Thubé avait appelé mon attention. Je dis que le propos qu'il m'a rapporté n'a pas été tenu, et j'en conclus que la situation, pendant l'année 1890 sera la même que celle des années antérieures.

M. de Lamarzelle.—Alors nos nationaux ne seront pas protégés ?

M. le Ministre.—Les avez-vous trouvés protégés lorsque le Commandant Reculoux a fait disparaître les homarderies de Mr. Murphy ? (Interruptions à Droite.)

Un Membre à Droite.—Et le Commandant Maréchal ?

M. de Lamarzelle.—Oui, nos nationaux ont été protégés sous vos prédécesseurs.

Au Centre.—Laissez parler M. le Ministre !

M. le Ministre.—Je ne désavoue nullement ce que mes prédécesseurs ont fait ; je déclare, au contraire, que, bien loin de répudier les instructions de M. Goblet et de M. Flourens lui-même, je les confirme, je les reprends et j'assure que celles que j'enverrai seront conçues dans les mêmes termes.

Qu'attendez-vous de moi, et que voulez-vous que je vous dise de plus ? (Interruptions à Droite.)

Vous ne voulez pas me laisser parler ?

M. de Lamarzelle.—Vous avez fait le contraire !

M. le Ministre.—Nullement.

Au Centre.—Ne répondez pas !

M. le Ministre.—D'ailleurs, Messieurs, pourquoi ne vous le dirais-je pas ? Si vous m'interrogez comme Ministre de Affaires Étrangères, vous ne pouvez le faire que sur l'interprétation donnée aux Traités ; si, au contraire, vous voulez m'interroger sur les faits, les incidents qui se produisent à Terre-Neuve, sans décliner aucune responsabilité, sans renier en quoi que ce soit ma solidarité avec M. le Ministre de la Marine, je vous fais observer que ce n'est pas à moi, mais au chef de l'officier que vous incriminez que vous devez vous adresser. (Mouvements divers.)

Sur divers bancs.—Vous avez raison.

M. Barbey (Ministre de la Marine).—Je demande la parole.

M. le Provost de Launay.—Votre Ambassadeur est d'une faiblesse remarquable dans la défense des intérêts de nos nationaux.

M. le Ministre.—On me dit que l'Ambassadeur de France est d'une faiblesse remarquable dans la défense des intérêts de nos nationaux.

Messieurs, il était Ambassadeur sous les Ministères antérieurs ; il a reçu les instructions des Ministres qui m'ont précédé, comme il a reçu les miennes, et ces instructions n'ont pas varié, je dirai même qu'elles ne peuvent pas varier.

Il n'est pas de Ministre des Affaires Étrangères qui puisse laisser mettre en contestation le droit de la France. Ce droit est absolu, sans restriction, et il ne peut s'exercer que dans des conditions parfaitement prévues.

Voilà pour la théorie, et M. Flourens a parfaitement exposé la question.

Mais, en fait, l'exercice de ce droit a constamment donné lieu à des contestations, à des conflits, qui ont été heureusement résolus à l'amiable. En 1885, on croyait être arrivé à une solution générale, à un arrangement définitif : loin de là ; de nouvelles difficultés ont surgi qui ont motivé de nouvelles négociations, lesquelles se poursuivent, et puisqu'on a prononcé le mot d'arbitrage—ce que je n'aurais peut-être pas fait—il n'est pas impossible, en effet, qu'il devienne nécessaire pour trancher cette question de recourir à un arbitrage. (Mouvements divers.)

Sur la question qui nous divise, les uns disent oui ; ce sont les Français ; les autres disent non ; ce sont les Anglais. Dans ces conditions, il faut bien admettre qu'il peut convenir, qu'il est même expédient et avantageux de recourir à un tiers arbitre. (Interruptions sur divers bancs.) Sinon, Messieurs, à qui donc laisseriez-vous la parole ?

Je vous mets au défi, vous qui m'interrompez, de le dire. (Mouvement.) Non ! Vous n'oseriez pas le dire. (Très bien ! très bien ! au Centre.)

Il n'est personne ici qui puisse admettre que si un arbitre, désigné d'un commun accord par les deux Parties, acceptait la mission de trancher la question pendante entre la France et l'Angleterre, quelqu'un pût songer à se dérober à la sentence prononcée.

Si l'on doit en arriver là, Messieurs, et je n'envisage ce fait que comme une hypothèse, si l'on doit en arriver là, du moins faut-il que les négociations se poursuivent entre les deux Gouvernements, et en attendant je ne puis que vous dire que les instructions seront maintenues, conformes à celles qui ont été données jusqu'ici, et que nous veillerons, comme par le passé, à donner aux armateurs toutes les garanties qu'ils ont le droit de nous demander.

A Droite.—S'il en est ainsi, les armateurs n'enverront personne !

M. le Ministre.—Est-ce que ce sont là des questions que l'on peut résoudre à la tribune ? Quant aux questions de fait, Messieurs, elles ne peuvent être débattues dans cette enceinte. On ne peut les apprécier que sur place. Jusqu'à ce jour, les armateurs sont allés à Terre-Neuve exercer leur industrie sous leur responsabilité. (Interruptions à Droite.)

M. Jules Delafosse.—Non ! ils sont allés à Terre-Neuve sous la protection du Gouvernement Français !

M. le Ministre.—Ils y sont allés avec une juste confiance dans la protection que leur a toujours accordée le Gouvernement Français ; pourquoi n'auraient-ils plus confiance dans ce Gouvernement, puisque aucun fait nouveau ne s'est produit ?

M. Thubé ne nous a, en effet, apporté qu'un seul fait, à savoir qu'un Capitaine de la marine Anglaise aurait dit à l'un de nos capitaines de pêche : "Vous ne reviendrez plus l'année prochaine. Mes instructions m'autorisent à vous le déclarer."

Or, on ne trouve aucune trace de ces instructions. Est-ce que je ne dois pas m'en tenir à la déclaration de notre Ambassadeur à Londres ?

Dès l'instant que je vous apporte ces déclarations sur le fond, vous ne pouvez pas me conduire à envisager ici cette affaire par le menu détail et à dire si le Gouvernement prendra des mesures pour que tels ou tels casiers soient placés ou non déplacés. Ce sont là des questions de fait (interruptions sur divers bancs), et ce n'est pas à cette tribune qu'on peut discuter des questions de ce genre.

M. Millerand.—Il fallait commencer par dire cela.

M. le Ministre.—Il n'est jamais trop tard pour bien faire.

M. Flourens m'a posé une question sur les instructions que je compte adresser aux Commandants de nos croiseurs, de concert avec le Ministre de la Marine ; je lui réponds que ces instructions sont les mêmes qu'à l'époque où il avait l'honneur d'être Ministre des Affaires Étrangères.

Il m'a demandé si je tiendrai la main à ce que ces instructions soient exécutées ; je lui réponds que j'y veillerai avec la plus grande fermeté.

Maintenant j'ajoute, conformément à ce qu'il a dit lui-même, que des négociations sont actuellement engagées avec le Cabinet de Londres, et j'ai confiance qu'elles aboutiront à une solution satisfaisante.

Dans ces conditions, la Chambre voudra bien clore le débat : car elle peut s'en rapporter à la vigilance avec laquelle le Gouvernement n'a jamais cessé de défendre les droits de la France. (Très bien ! très bien ! au Centre et à Gauche.)

M. le Président.—La parole est à M. Flourens.

M. Flourens.—Messieurs, je remercie M. le Ministre des Affaires Étrangères des explications qu'il a bien voulu apporter à cette tribune, et je suis heureux de constater que nous sommes absolument d'accord et en parfaite conformité d'idées et d'intentions en ce qui concerne la sauvegarde des droits sur lesquels j'ai l'honneur d'appeler sa vigilante attention.

Cependant, dans les observations qu'il a présentées, il est deux points qu'il m'est impossible de laisser passer sans protester.

Le premier concerne l'opinion émise par M. le Ministre des Affaires Étrangères relativement à la nature des droits qui nous appartiennent sur le "French Shore." Il a dit que nous n'avions pas de droit de souveraineté à exercer sur cette côte.

Je crois que c'est là une erreur de droit, et une erreur de droit capitale.

Les Traités que je citais et dont je rappelais le texte tout à l'heure à la Chambre nous ont donné certains droits sur le "French Shore ;" et par là même ils nous ont donné—sans quoi ils eussent été aussi frustratoires qu'illusoires—les moyens de faire respecter ces droits. (Très bien ! très bien ! sur divers bancs.)

Les Traités nous ont donné sur le "French Shore" la possibilité d'exercer certaines opérations de pêche, et par là même ils nous ont investis des droits de police nécessaires pour assurer l'exécution de ces opérations de pêche. C'est ainsi que nous possédons sur le "French Shore" une part de souveraineté. (Très bien ! très bien ! sur divers bancs.)

Oui, la France pendant la saison où la pêche est exercée a un droit de souveraineté sur le "French Shore," et c'est à ce titre que nous pouvons y envoyer une division

navale ; c'est à ce titre que nos divisions navales évoluent dans les eaux du "French Shore," comme dans les eaux territoriales Françaises ; c'est à ce titre que nous pouvons débarquer sur le "French Shore" des hommes en armes, que nos officiers peuvent y descendre pour arrêter, en cas de besoin, nos nationaux, comme les nationaux Britanniques eux-mêmes. C'est à ce titre qu'ils le font en cas de délit de pêche, et qu'ils l'ont toujours fait. C'est à ce titre qu'ils peuvent supprimer tout établissement permanent qui serait construit sur le "French Shore ;" c'est à ce titre enfin qu'ils y possèdent un véritable pouvoir de juridiction indéniable et indénié.

Dès lors, quel besoin avons-nous de nous adresser aux Anglais quand nos droits sont méconnus ? C'est à nous à les faire respecter. (Applaudissements à Droite et sur divers bancs à Gauche.)

Nous n'avons pas besoin d'engager des négociations avec le Gouvernement Anglais, et M. le Ministre des Affaires Étrangères a mal lu le discours qu'il a cité et que j'ai eu l'honneur de prononcer devant le Sénat en réponse à M. l'Amiral Véron.

Je n'ai pas dit que j'avais engagé des négociations, mais que des négociations avaient été engagées en 1885 pour arriver à des modifications nouvelles à introduire au droit résultant des Traités ; qu'en ce qui concernait les atteintes signalées contre nos pêcheurs de la part des pêcheurs de Terre-Neuve, je m'étais adressé à mon collègue de la Marine et que j'avais combiné avec lui les instructions nécessaires.

Cela veut-il dire que j'aie jamais pensé que nous devions avoir à Terre-Neuve une action isolée et indépendante de toute entente ? Cela veut-il dire que je critique la conduite suivie par M. le Ministre des Affaires Étrangères quand il propose de soumettre à l'examen du Gouvernement Anglais et d'étudier de concert avec lui les difficultés de principe qui peuvent se produire ? Loin de là.

Je comprends parfaitement que nous ne pouvons pas vivre sur le "French Shore" dans un état d'hostilité brutale et violente avec le Gouvernement Anglais.

Le Gouvernement Anglais ne l'a jamais désiré et les instructions qu'il donne aux officiers qui commandent la division navale Anglaise n'ont jamais consisté à leur enjoindre de se mettre en hostilité avec les officiers de la division navale Française. Ces instructions leur ont ordonné, au contraire, de conserver une entente aussi cordiale, aussi intime que possible avec les Commandants de notre marine.

De notre côté, je suis convaincu que M. le Ministre de la Marine donnera toujours à nos officiers, comme première instruction, de maintenir une entente aussi complète que possible avec les officiers de la division navale Anglaise, qui, j'ai eu l'occasion de le constater moi-même, apportent dans leurs rapports avec nous la plus grande courtoisie. Mais, Messieurs, cela n'empêche pas que lorsqu'une atteinte de fait est portée à nos nationaux, nous ayons le droit de la faire cesser même *manu militari*.

Ainsi, dans l'espèce que j'ai portée tout à l'heure à cette tribune, dans l'espèce du Sieur Thubé, ce qui a donné naissance à tout l'incident c'est la concurrence émanant d'un pêcheur Anglais, le Sieur Shearer, à l'égard de l'exploitation de Thubé.

Or, ce pêcheur Anglais était installé dans une construction permanente, une homarderie qui appartient à un national Français et qui, par conséquent, est construite en violation des clauses du Traité d'Utrecht.

A aucune époque, toutes les fois que le Gouvernement Anglais nous en a prévenus ou que nous en avons été avisés de toute autre façon, nous n'avons toléré que nos nationaux conservassent des habitations permanentes sur le "French Shore." Sommes-nous désarmés et devons-nous permettre cette grave infraction aux Traités par ce seul fait qu'elle profite à un Anglais ?

Est-ce parce qu'elle est louée à un Anglais, à un industriel qui nous fait une concurrence illégale et illicite, que nous devons tolérer une construction permanente et, par suite, contraire aux Traités ? Non, certes. Mais ce sont là des questions de police, ce ne sont pas des questions de négociations.

Il faut en outre bien se rendre compte de la nature des faits et des nécessités qui s'imposent à chaque Gouvernement. Il est de toute évidence, étant donnée la politique que le Gouvernement Anglais suit vis-à-vis de ses Colonies, et en particulier vis-à-vis de ses Colonies du Nord de l'Amérique, que, quelque claires, quelque lucides, quelque limpides que puissent être les clauses d'un Traité, quelque favorable à nos prétentions que puisse être la décision d'un arbitre, jamais le Gouvernement Anglais n'assumera vis-à-vis de ses Colonies l'odieux de supprimer, d'entraver, une industrie qui, comme je vous le faisais remarquer tout à l'heure, se chiffre par des millions de bénéfice.

En effet, des gens d'une compétence reconnue m'ont affirmé que l'industrie des conserves de homard pouvait rapporter 10,000,000 fr. par an. S'il s'agit d'une somme aussi importante, il est, je le répète, de toute évidence que le Gouvernement Anglais

n'assumera pas l'odieux de faire cesser la concurrence Anglaise et les troubles qui en résultent pour notre industrie.

C'est à nous, à nous qui avons à Terre-Neuve une division navale, qui y envoyons des navires spécialement pour protéger nos nationaux, et pour empêcher qu'il soit porté atteinte à nos droits, d'en assurer le respect. (Très bien ! très bien ! à Droite.)

Loin de moi la pensée d'émettre des critiques contre des négociations que je ne connais pas, que je n'ai pas à connaître, que je n'ai pas à juger, et qui peuvent être engagées entre le Gouvernement Français et le Gouvernement Anglais, négociations dont le résultat sera peut-être une amélioration du *statu quo* actuel par la précision de certains points douteux. Il serait, en effet, désirable, puisqu'il s'agit de la pêche du homard, que les deux Gouvernements arrivassent à une entente pour protéger ce crustacé, comme il l'est dans les eaux territoriales Françaises, contre les abus, les dévastations des pêcheurs.

Ce serait déjà un résultat important que d'empêcher cette ressource précieuse de disparaître par suite de l'impéritie des armateurs ou de l'inattention des deux Gouvernements. Mais je prétends qu'en attendant le résultat des négociations, quelles qu'elles soient et quel qu'en soit le but, des instructions doivent être données aux armateurs pour la prochaine campagne de pêche.

M. le Ministre des Affaires Étrangères m'objecte : "Mais les instructions que nous avons données cette année sont les mêmes que celles qui ont été données les années précédentes." Je vous en demande bien pardon, M. le Ministre ; voici les instructions qui ont été données le 19 Mars, 1889 :—

"Le présent bulletin a été délivré par le Commissaire de l'Inscription Maritime à Binic, au Sieur Philippe, Capitaine du navire 'Le Laborieux,' conformément à la Loi du 2 Mars, 1852, pour constater que le dit capitaine a le droit d'occuper dans le havre du Vieux-Ferolle et Saint-Geneviève, situé sur la côte ouest de l'île, la place avec ses dépendances (No. 142), dite No. 1, bâbord en entrant dans Brig Baie No. 2, Ile Fish, qui a été assignée au dit navire, avec faculté de jouir de la dite place, sans trouble ni empêchement, jusqu'à l'année 1892 exclusivement.

Ainsi on lui dit : Vous pouvez aller là, vous jouirez sans trouble ni empêchement de la place qui vous est concédée.

Voici maintenant la lettre que m'adressait ce même armateur, le 10 Janvier, 1890 :—

"La réunion des armateurs qui envoient leurs navires à Terre-Neuve a eu lieu, en effet, le 6 de ce mois, à Saint-Servan. Dans cet assemblée j'ai demandé à M. le Commandant Maréchal, qui assistait le Chef de Service de la Marine en qualité de délégué du Ministre, s'il était en mesure de me faire connaître la réponse du Ministre de la Marine à ma lettre du 13 Décembre, lettre dans laquelle je priais le Ministre de me faire savoir expressément si, en présence de l'inaction de la station navale d'une part, des empiètements Anglais, d'autre part, enfin des communications du Commandant Anglais, je pourrais armer cette année en pleine sécurité.

"Le Chef de Service de la Marine, Président, et le Commandant Maréchal m'ont, tous deux, répondu qu'il leur était impossible de me donner un avis quelconque, puisqu'ils n'avaient rien reçu du Ministre à cet égard." (Rumeurs sur divers bancs.)

C'est précisément à raison de ce silence que je suis monté à cette tribune, et que j'insiste auprès de M. le Ministre pour obtenir une réponse. (Très bien ! très bien ! sur divers bancs.)

Je conçois très bien que des négociations existent ; mais, qu'elles soient engagées ou non, il faut que des instructions claires et précises interviennent ; il faut que nos armateurs sachent quelles opérations leur sont permises, quelles opérations leur sont interdites, jusqu'où ils auront la protection du Gouvernement et le point précis où cette protection devra s'arrêter. (Très bien ! très bien ! à Droite.)

C'est à ce moment qu'il importe d'élucider ce côté de la question ; c'est dès à présent et non pas plus tard, sous peine d'être exposés à voir renaître en 1890 les mêmes conflits qu'en 1889, conflits dont je vous ai fait, je vous assure, un tableau bien abrégé et bien atténué.

Jusqu'à ce jour, la patience de nos marins et la fermeté de nos officiers ont empêché qu'il n'y eût des rixes et que les choses n'en arrivassent au point où l'honneur des deux nations se trouvant engagé, il serait difficile, soit à l'une, soit à l'autre, de reculer.

Mais, M. le Ministre des Affaires Étrangères, êtes-vous sûr qu'il en sera toujours ainsi ? Le Gouvernement, ce me semble, ne peut pas échapper à toute responsabilité en cantonnant dans le silence qu'il observe vis-à-vis des armateurs Français, car vous voyez à quelles conséquences ce silence peut aboutir.

Quant à la situation de notre division navale, je n'insiste pas. Dans ma pensée, mieux vaudrait qu'elle restât à Brest ou à Cherbourg, plutôt que d'aller à Terre-Neuve pour y jouer encore un rôle peu conforme à la dignité de la marine Française et à toutes ses traditions. (Applaudissements sur divers bancs.)

M. le Président.—L'incident est clos.

M. Jules Delafosse.—Mais M. le Ministre de la Marine a demandé la parole. (Exclamations diverses.)

M. le Président.—Permettez-moi de vous faire observer deux choses, M. Delafosse ; c'est que d'abord vous n'avez peut-être pas qualité pour parler au nom de M. le Ministre de la Marine, et ensuite que la question étant adressée à M. le Ministre des Affaires Étrangères, j'éprouverais quelque difficulté à donner la parole à M. le Ministre de la Marine. (Assentiment à Gauche.)

Un Membre à Droite.—C'est la ruine des armateurs !

Interpellation adressée à M. le Ministre des Affaires Étrangères.

M. le Président.—M. La Chambre demande à transformer en interpellation la question qui vient d'être posée par M. Flourens à M. le Ministre des Affaires Étrangères.

Il s'agit de fixer le jour où cette interpellation sera discutée.

Sur plusieurs bancs.—Tout de suite !

M. le Président.—Il n'y a pas d'opposition à la discussion immédiate ?

Un Membre.—A un mois ! (Exclamations.)

M. le Président.—On n'insiste pas pour le renvoi à un mois ! (Non ! non !)

La parole est à M. La Chambre.

M. La Chambre.—Messieurs, je ne veux pas retenir longtemps l'attention de la Chambre. Déjà la question vient d'être parfaitement élucidée par l'honorable M. Flourens.

Mais il me semble que nous ne pouvons, à aucun prix, laisser nos armateurs dans une indécision, dans une incertitude de laquelle ils ne savent comment sortir aujourd'hui. (Très bien ! très bien ! à Droite.)

On vient, Messieurs, de tirer à l'Hôtel de la Marine, à Saint-Servan, les places qui sont affectées à chaque armateur pour aller exercer son industrie soit de la pêche de la morue, soit de la pêche simultanée de la morue et du homard sur les côtes qui nous sont réservées par les Traités. Or, les places ayant été concédées sous l'autorité de M. le Ministre de la Marine, est-il admissible que nos armateurs expédient leurs navires sans savoir s'ils pourront s'y établir (Très bien ! très bien ! à Droite), sans savoir si le Gouvernement Français viendra les protéger et leur garantir l'usage de ce qu'il leur a concédé ?

M. de Lamarzelle.—Je demande la parole.

M. La Chambre.—M. Flourens est monté à cette tribune parce qu'il y a été appelé par un négociant de Nantes, qui s'est plaint de n'avoir pas été protégé l'an dernier dans l'exercice de ce droit. Défendant, à mon tour, les intérêts maritimes de Saint-Malo, je suis, ici, l'interprète des armateurs qui exercent la même industrie et qui m'ont chargé d'obtenir une déclaration précise de M. le Ministre des Affaires Étrangères et de M. le Ministre de la Marine pour savoir si, oui ou non, ils peuvent partir en sécurité. (Très bien ! très bien ! à Droite.)

M. Paul de Cassagnac.—Voilà la question bien posée !

M. La Chambre.—Je pose donc nettement cette question à MM. les Ministres des Affaires Étrangères et de la Marine.

Nos armateurs qui se disposent à expédier leurs navires à la pêche simultanée de la morue et du homard peuvent-ils en toute sécurité continuer leurs armements fort dispendieux ?

M le Comte de Lanjuinais.—Et peuvent-ils compter sur la protection du Gouvernement ?

M. La Chambre.—Sont-ils certains de trouver libres les places qui leur sont concédées par M. le Ministre de la Marine, à leur arrivée sur les lieux de pêche ? Sont-ils certains de n'y trouver aucun concurrent étranger venant les empêcher de se livrer à leur industrie ? (Très bien ! très bien ! à Droite.) Sont-ils certains enfin de trouver une protection efficace de la part du Commandant de la station navale Française, pour être protégés dans l'exercice de leurs droits ? (Applaudissements à droite.)

Je vous demande, en vérité, s'il est possible de rester davantage dans le doute où M. le Ministre de la Marine et M. le Ministre des Affaires Étrangères nous ont laissés

depuis trop longtemps. (Très bien ! très bien ! à Droite.) Je leur demande donc une réponse catégorique. (Applaudissements à Droite.)

M. le Président.—La parole est à M. le Ministre de la Marine.

M. Barbey (Ministre de la Marine).—Messieurs, l'honorable M. La Chambre m'invite à monter à cette tribune et à donner mon appréciation sur la question que mon honorable collègue M. le Ministre des Affaires Étrangères vient de traiter avec plus de compétence que je ne saurais le faire. (Rumeurs à Droite.)

Messieurs, je n'éprouve aucun embarras à faire connaître à la Chambre mon opinion, qui est certainement la même que celle de mes prédécesseurs au Département de la Marine.

Oui, le droit de pêcher sur une partie de la côte de l'île de Terre-Neuve désignée par les Anglais eux-mêmes sous le nom de " French Shore " qui nous a été concédé par le Traité d'Utrecht, qui a été confirmé par la Déclaration du Roi Georges et le Traité de Versailles en 1783, est absolu, exclusif, et sans réserve. (Très bien ! très bien ! à Gauche.)

M. La Chambre.—Il faut le défendre !

M. le Ministre de la Marine.—Nos nationaux, s'appuyant sur ces déclarations et sur ces Traités, demandent sans cesse à nos croiseurs Français qu'ils leur assurent la possibilité de pêcher le homard dans les places qu'ils ont choisies, sans être gênés par les pêcheurs Anglais.

Les croiseurs Anglais, principalement en 1889, ont soutenu que nos pêcheurs ne jouissent, en ce qui concerne le homard, d'aucun des privilèges résultant des Traités et reconnus par le Gouvernement Anglais.

Le homard, disent-ils, n'est pas un poisson (Rires) ; il ne se pêche pas. (Interruptions sur divers bancs.)

Messieurs, je répète les déclarations des croiseurs Anglais ; voulez-vous vous donner la peine de les entendre ?

Le homard, disent les croiseurs Anglais, n'est pas un poisson. (Bruit.) Il ne se pêche pas, il se capture ; on se sert du mot Anglais " catch." La pêche du homard n'existait pas, en tant qu'industrie distincte, en 1717 pas plus qu'en 1783.

Il est facile de répondre à ces arguments quelque peu subtils.

(A Droite).—Ils sont faux !

M. le Ministre de la Marine.—Mais il n'appartient pas aux Chefs de la Division Française de poursuivre à Terre-Neuve des négociations diplomatiques ; leur rôle est d'agir, de protéger nos pêcheurs. Or, ils sont retenus par des instructions qui n'émanent pas seulement de l'honorable M. Flourens ou de l'honorable M. Spuller, mais qui ont existé de tout temps et qui leur enjoignent, en présence d'un croiseur Anglais, de s'adresser à lui pour obliger les pêcheurs Anglais à respecter les droits de nos nationaux.

De là des difficultés qui peuvent faire naître les incidents les plus regrettables. Nous jouissons d'un droit souverain qui s'exerce dans la souveraineté d'autrui, et, pour assurer l'exercice de ce droit, nous sommes obligés d'avoir recours à l'intervention de ceux-là mêmes qui le contestent.

Cette situation ne peut durer plus longtemps. Il faut que les malentendus disparaissent ; il faut que les instructions données, après entente, par le Ministre des Affaires Étrangères et par le Ministre de la Marine, soient bien nettes et bien précises. Le Commandant de la division navale de Terre-Neuve a le droit de les réclamer. Quand il les aura reçues, je vous réponds qu'il les exécutera avec sagesse et fermeté. (Très bien ! très bien !)

M. Paul de Cassagnac.—Nous ne demandons pas autre chose.

M. le Ministre.—Il est indispensable—et la Chambre tout entière partagera mon sentiment—que lorsque notre pavillon se montre à Terre-Neuve il y jouisse de la même autorité que sur tous les points du globe. (Applaudissements.)

M. le Président.—La parole est à M. de Lamarzelle.

M. de Lamarzelle.—Messieurs, je me borne à prendre acte des paroles que vient de prononcer M. le Ministre de la Marine, et je dépose sur le bureau de la Chambre un ordre du jour motivé.

M. le Président.—L'ordre du jour suivant est déposé par MM. de Lamarzelle, Freppel, et de Cassagnac :

" La Chambre des Députés appelle l'attention du Gouvernement sur les droits acquis à la France par les Traités relatifs aux pêcheries de Terre-Neuve, et passe à l'ordre du jour."

M. Boissy-d'Anglas (et plusieurs Membres à Gauche).—Nous demandons l'ordre du jour pur et simple.

M. le Président.—L'ordre du jour pur et simple est demandé ; il a la priorité. Je le mets aux voix.

(L'ordre du jour pur et simple, mis aux voix, est adopté.)

No. 165.

Foreign Office to Colonial Office.

Sir, *Foreign Office, January* 22, 1890.

I AM directed by the Marquis of Salisbury to state that the Secretary of the French Embassy called at this Office on the 21st instant and observed that it could scarcely now be hoped that the proposed arbitration with respect to the lobster fishery in Newfoundland could be brought to a close before the commencement of the fishing season, and that it therefore seemed desirable, in the interest of all parties, that some *modus vivendi* should be arrived at for the next season only, and pending the settlement of the question at issue. M. Jusserand accordingly communicated the accompanying sketch of the bases on which such an arrangement might be made, asking that it might be examined, and that he might receive an early reply whether it was acceptable.

I am to request that you will lay this communication before Secretary Lord Knutsford for his observations, and that you will move his Lordship to favour Lord Salisbury with his opinion as to the answer which should be returned to it.

I am, &c,

(Signed) T. H. SANDERSON.

Inclosure in No. 165.

Sketch of Bases.

LA question de principe et les droits respectifs étant entièrement réservés de part et d'autre, on pourrait convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes :—

Sans que la France demande dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises sur le "French Shore," il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par ces établissements à la date du 1er Juillet, 1889.

Par contre, aucune concession nouvelle de pêche de homard ne sera accordée cette année par le Gouvernement Français sur les fonds occupés par les sujets Anglais antérieurement au 1er Juillet, 1889.

Toutes les fois que les pêcheurs Français de homard se trouveront en concurrence avec les pêcheurs de homard Britanniques, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire des fonds de pêche de homard, en tenant compte des situations acquises par les deux parties.

N.B.—Il serait bien entendu que cet arrangement tout provisoire ne serait valable que pour la campagne de pêche qui va s'ouvrir.

Ambassade de France à Londres.

(Translation.)

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* might be agreed upon on the following bases : —

Without France demanding at once a new examination of the legality of the installation of British lobster factories on the "French Shore," it shall be understood that there shall be no modification in the positions occupied by these establishments on the 1st July, 1889.

On the other hand, no new concession of fishery of lobsters shall be accorded this year by the French Government on the fishing grounds occupied by British subjects previously to the 1st July, 1889.

Whenever any case of competition may arise in respect of lobster fishery between the French and British fishermen, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

No. 166.

Captain Sir B. Walker to Vice-Admiral Watson.—(Received at the Foreign Office, February 5, 1890.)

Sir, "*Emerald*," *at Halifax, November* 1, 1889.

I HAVE the honour to forward herewith the Report of the proceedings of Her Majesty's ship "Lily" at Bay St. George during the bait season of 1889.

The method of regulating the fishery was similar to that adopted last year, the details being modified to suit the season.

The French have undoubtedly profited by their previous experience, and are more suitably equipped, thus being in a better position than heretofore to obtain bait without the assistance of the inhabitants.

As no doubt many vessels obtained bait from the Magdalene Islands and from the other sources mentioned in Commander Russell's Report, should anything interfere with this supply, an influx of vessels may be looked for; in this case the residents will necessarily be much restricted in their operations, which may lead to disturbances.

The results obtained with the bait brought from France will materially affect the subject, but I am unable to arrive at any conclusions as to the success or otherwise of it, owing to the contradictory reports received.

The French "armateurs" are undoubtedly very much against incurring any further expense in the equipment necessary for the taking of bait.

I am quite of Commander Russell's opinion as to the advisability of having the boats and dories of the inhabitants marked and registered; it would assist to prevent the robbery from nets, which is the chief cause of complaint on both sides.

On visiting St. George's Bay at the end of the season I found the original estimate of the number of barrels cured by the inhabitants had been greatly exceeded, thus making the take of herring above the average, and it would probably have been still greater had not the herring been disturbed by the seines on first entering Flat Bay.

I have much pleasure in adding that Commander Russell and M. le Capitaine de Frégate Reculoux worked in perfect harmony, the good understanding that existed, and the tact displayed by both, enabling the season to pass without any disturbances.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 1 in No. 166.

Commander Russell to Captain Sir B. Walker.

Sir, "*Lily*," *at Bay St. George, May* 31, 1889.

THE herring fishery in this bay having now come to its conclusion, I have the honour to submit the following Report for your information. As already reported in my letter of proceedings, Her Majesty's ship "Lily" arrived here on the 17th April. The herring had not then arrived, nor were there any French vessels in St. George's.

2. The first French schooner arrived on the 28th April, and on the evening of the same day the transport aviso "Drac" anchored in the bay. She had been detained at St. Pierre through an accident to her machinery, or she would have arrived four days

earlier. She is commanded by Capitaine de Frégate Pierre Reculoux, the same officer who commanded her last year.

3. He informed me that the French Bankers had brought their first supply of bait from France, it having been obtained in the shape of "sardines" on the coasts of Spain and Portugal, and that they had also received considerable quantities of herring from Nova Scotian and American schooners. Salted squid from St. Pierre was also used with some success. It is reported that several Fortune Bay and other south coast schooners evaded the Bait Act, and ran cargoes of herring to St. Pierre.

4. From this date the French vessels arrived daily, the highest number present in the bay at one time being forty-eight.

5. The Bait Act having been suspended for this year, as far as the inhabitants of Bay St. George were concerned, they commenced fishing with nets on the 1st May. A few nets were set before this date, but the regular season may be said to have commenced then. On the 2nd May some nets were set by the French, but they regularly commenced on the 3rd May with nets and seines. They were much better provided with the former this year than was the case last season, for they have abandoned the very deep description they formerly used, having learnt from experience the best kind to use. These they made during the winter at St. Pierre, and some were also purchased from the inhabitants of Bay St. George. It is now difficult to distinguish between the native and French nets, for, whereas the latter formerly only used cork floats and a different twine, they now use the wooden floats and similar twine to that of the residents.

6. The fishery now being in full operation, I established a day patrol, to which one by night was subsequently added, as complaints were made on both sides of robbery from the nets during prohibited hours. On the 8th May Captain Reculoux had the courtesy to show me the orders he had issued to his countrymen for the regulation of their fishing. Amongst others was an order to mark all boats and dories with the name of the vessel to which they belonged, and another forbidding all fishing or visiting of the nets between the hours of 8 P.M. and 4 A.M. On the 9th May I issued a Notice in a similar sense as regards the prohibited hours, and from this date till your arrival a gun was fired daily from this ship at 8 P.M. and 4 A.M. to mark the time for ceasing and commencing to fish.

7. I would beg to call your attention to the desirability of having the boats and dories of the inhabitants marked with the name of the owner, or with a distinguishing number. A list of all boats and dories, and their marks and owners, might be kept at the Court-house by the Sub-Collector of Customs, and would, I feel sure, act as a check upon those disposed to evade the Regulations, which it is important should be strictly observed.

8. On the 6th May Daniel Dennis complained that the French had taken down a part of his fence to supply themselves with wood. I verbally brought this to the notice of Captain Reculoux: his answer is inclosed. On the 10th the French Commander called my attention to the fishing of the schooner "Virgesco," of Halifax. After inquiry into the circumstances I wrote the inclosed letter.

9. On the 11th May, in consequence of a private letter from Captain Reculoux, I visited him, when he informed me that the French fishermen were in a very excited state. They complained especially of the presence of the British nets round Turf Point, which interfered very much with their fishery; and also that when the herring passed round Turf Point towards the Little Barachois River they would not be able to haul their seines on the part of the coast which they had selected last year and this for that purpose. They also complained of the inhabitants landing their herring to cure instead of selling to the French Bankers, and he suggested that it would be desirable to revert to the tacit agreement of last year—to sell before landing. To this I replied that the inhabitants had frequently offered to do so, but that the price offered was too small to admit of its being a paying one, and suggested that an agreement as to a fair price should be come to. I then issued the Notice dated the 11th May.

10. On the same day the brothers Butt, of the south side, complained of the taking of a mast and sail from their wharf by the crew of a French dory from the schooner "Auguste Lemoine." I reported this to Captain Reculoux, who promised an inquiry. The result, together with my answer, is inclosed.

11. On the 13th May, accompanied by Senior Lieutenant John G. Hewitt, I went, by request, to meet a deputation of the inhabitants at the Court-house. They wished to see me about the Notice of the 11th May, prohibiting the setting of nets and hauling

of British seines on the part of the coast between Turf Point and Little Barachois River, and pointed out the hardship to them, and the injury it would cause to their season's results.

I promised to endeavour to meet their wishes, which, after another interview with Captain Reculoux, I was able to do. The result was made known to the inhabitants the same afternoon.

Complaints were also made of the selling of bait by the French to American schooners. This is a question upon which I declined to give any decided opinion; but at an interview with Captain Reculoux I pointed out to him the very doubtful right of his countrymen to fish to sell on the spot to any but the French for their *bond fide* fishery. He replied that they were clearly given the right by Treaties to fish, and were not under any restrictions as to the disposal of the proceeds, but promised, whilst maintaining the right of the French to such sale, to "use his influence to stop it."

12. I venture to call your attention to this subject, for, though the number of American schooners visiting this bay to bait themselves is at present small, it might develop considerably.

13. On the 16th May I discussed with Captain Reculoux the question of a price at (or over) which the inhabitants should sell to the Bankers before landing to cure. It was eventually agreed that, as long as 80 cents (or over) per barrel was offered, that the inhabitants should not land to cure, but that if the price fell under that amount they should be at liberty to do so.

14. On the 17th May the herring left Flat Bay, passing down to St. George's River, but reappeared on the coast near Little Barachois River on the 18th, though not in large quantities. They again left on the 20th, following the coast round into Seal Cove, where they remained a day or two, and then finally disappeared. On the 23rd May the last French Banker sailed, and on the 24th May all the British nets were up.

15. The season of 1889 has not been such a good one as that of 1888, which was exceptionally so.

This was, in my opinion, a good deal caused not so much from a failure in the quantity of herring as from the fact of their being so much disturbed by seines. The inhabitants have always had an agreement amongst themselves that seines should not be allowed, but the French used them largely. The herring on arrival usually runs up the Sandy Point side of the bay, and if disturbed at the commencement of the "Flats," as they were this year by seining, they scatter all over the shoals, and do not follow their usual course to the spawning grounds. This makes it very difficult for the fishermen to know where they will reappear, and causes them great trouble in moving their nets. Seining in deep water, though bad, is not so injurious, for the herring "dive" and reappear further on, on their original course.

16. Many experienced men are of opinion that the enormous number of nets and the excessive use of seines may cause the herring to abandon this bay, and go to less disturbed waters to deposit their spawn.*

17. A fair arrangement to sell to the French Bankers before landing to cure on the part of the inhabitants is, in my opinion, very desirable, as it prevents a good deal of irritation which is likely to arise from the French seeing large quantities of herring taken and landed, while they themselves are not so successful. From careful inquiries, which I made from competent authorities, I have come to the conclusion that 80 cents per barrel is a remunerative price at which to sell the "green" herring.

It has the advantage of saving all labour except the mere hauling of the nets and transport to the Bankers. A barrel of "dry" herring is equal to one and one-third of green, and therefore a considerable advantage is gained in that way, and, above all, the inhabitants are paid down in hard cash at once, instead of having to wait some months for their money, with all the chances of a fluctuating market. The French baiters are opposed to the inhabitants selling, as they complain that it lowers, by their competition, the amounts they would otherwise obtain. The Bankers, on the other hand, uphold it, as it enables them to purchase more cheaply.

18. The patrol established to prevent irregularities on either side, and to receive just complaints, was of great use, but the very large space occupied by nets during the height of the season is so great that it was only partially efficient. It was impossible, owing to the nets, to use a steam-boat.

19. This duty was intrusted to Lieutenant John H. Robertson, of this ship, who was assisted by Mr. Healy, the Gunner, and a special boat's crew.

* As happened years ago off Maine in Massachusetts.—B. W. W.

I have the honour to call your attention to the entire satisfaction which I feel with the zealous manner in which this service was performed. The long hours during which the patrol-boat was away, on nights always cold and often wet, made it a trying duty.

A copy of the orders given to this officer is inclosed.

20. In conclusion, I have great satisfaction in informing you that throughout the duration of the herring season my relations with Captain Reculoux were of a most friendly nature. He was always considerate towards the interests of the inhabitants, and most prompt in his attention to any representations which it became my duty to make to him.

Inclosed are the comparative results of the British and French herring fishery for the seasons of 1888 and 1889.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 2 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-Georges, le 3 Mai*, 1889.

AU moment où la saison du hareng va commencer, je crois devoir vous rappeler que les pêcheurs Français ont, sur cette partie de la côte de Terre-Neuve où nous sommes, le droit de pêcher sans être troublés, en aucune manière, par la concurrence des sujets de Sa Majesté Britannique.

Ce droit est formulé, en termes indisputables, par l'Article XIII du Traité d'Utrecht (1713), par la Déclaration de Sa Majesté le Roi George (3 Septembre, 1783), et clairement défini par la Proclamation de Sir Charles Hamilton, Gouverneur et Commandant-en-chef de l'Ile de Terre-Neuve (12 Août, 1822).

L'application des prescriptions du "Bait Bill" oblige les pêcheurs Français à prendre eux-mêmes la boïtte qui leur est nécessaire, au lieu de l'acheter, comme ils le faisaient autrefois, aux habitants des Baies de Fortune et de Plaisance.

Ils ont choisi, pour faire cette pêche, le Havre de Saint-George, parce qu'il est sur la partie de la côte qui leur est réservée, le point le plus rapproché des bancs et aussi celui où la boïtte paraît le plus tôt avec abondance.

L'année dernière il est venu 133 navires pêcheurs Français dans ce havre.

Prévoyant de nombreuses difficultés et craignant des conflits, j'avais prié M. le Capitaine Charles Campbell, qui commandait alors le "Lily," de vouloir bien m'aider, par son influence et son autorité sur ses nationaux, à faire respecter, dans toute leur intégralité, les clauses d'un Traité qui est revêtu de la signature de nos deux Gouvernements.

Le Capitaine Campbell m'a aussitôt promis son concours et il a tenu sa promesse avec une loyauté à laquelle j'ai rendu le plus grand hommage.

Tout en reconnaissant hautement les droits incontestables des pêcheurs Français sur cette partie de la côte de Terre-Neuve, Mr. Charles Campbell m'écrivait, dans une lettre datée du 1er Mai, 1888:—

"I merely wish to call your attention to the fact that the inhabitants of St. George's have hitherto been in the habit of earning their living by taking herring during the season, and were this privilege suddenly and completely taken from them, it would really increase the difficulties I must encounter in maintaining order."

J'ai répondu au Capitaine Campbell que je craignais que cette tolérance fut mal interprétée par les habitants de Saint-George, et qu'elle le conduisit à méconnaître les droits des pêcheurs Français. Néanmoins, je pris sur moi de ne faire aucune protestation tant que les filets des pêcheurs indigènes ne gênaient pas ceux des Français.

Grâce aux mesures prises des deux côtés et à la grande droiture de caractère du Capitaine Campbell, la saison s'est passée sans voir naître le moindre conflit.

Mais la tolérance dont nous avons usé l'année dernière a produit les résultats que je redoutais et les journaux qui me sont parvenus de Saint-John m'en ont apporté d'irrécusables témoignages.

Le Général Dashwood y prêche, aux habitants de la côte réservée, la désobéissance

aux ordres des officiers de la marine Britannique et la violence envers les officiers de la marine Française.

Le "Colonist" du 6 Avril contient une adresse de quelques habitants de Saint-George conçue dans des termes agressifs contre nous.

En tête des signataires de cette adresse se trouve le nom de M. le Préfet Apostolique Howley qui est venu, l'année dernière, à bord du "Drac," protester contre la promulgation du "Bait Bill" et me remercier de la tolérance dont j'avais usé envers les habitants de Saint-George.

Toutes ces manifestations sont malveillantes et indiquent, au moins, de mauvaises intentions qui peuvent conduire à de regrettables conflits.

Je viens donc, M. le Commandant, vous demander, comme je l'ai fait l'année dernière au Capitaine Campbell, de vouloir bien m'aider à faire rigoureusement respecter les prescriptions d'un Traité conclu entre nos deux Gouvernements et que rien n'est venu modifier depuis sa conclusion.

Je donne les ordres les plus sévères aux capitaines pêcheurs Français pour qu'aucune déprédation ne soit commise dans les établissements des habitants de Saint-George.

Mais, pour éviter les conflits, il est indispensable que les habitants n'imposent aucune gêne aux pêcheurs Français dans l'exercice de leurs droits de pêche sur cette partie de la côte de Terre-Neuve, droits qui leur ont été concédés par la nation Anglaise et la volonté de Sa Majesté Britannique.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 3, 1889.

THIS being the time when the herring fishery season begins, I must remind you that the French fishermen have the right, on this part of the Newfoundland coast, where we are at present, to fish without being interrupted in any manner by the competition of British subjects. This right is stipulated for in indisputable terms by Article XIII of the Treaty of Utrecht (1713) and the Declaration of King George (3rd September, 1783), and clearly defined by the Proclamation of Sir Charles Hamilton, Governor and Commander-in-chief of the Island of Newfoundland (12th August, 1822).

The application of the provisions of the Bait Act compels French fishermen themselves to catch the necessary bait, instead of purchasing it, as they used to do, from the inhabitants of Fortune Bay and Placentia Bay.

For this bait-fishing they have chosen, for this season, St. George's Harbour, because, on that part of the coast which is reserved for their use, this is the nearest point to the Banks, and also that where the bait appears earliest in abundance. Last year133 French fishing-vessels entered this harbour.

Foreseeing numerous difficulties, and fearing possible collisions, I asked Captain Campbell, who at that time commanded the "Lily," to kindly assist me with his influence and authority over his countrymen, in watching over the strictest enforcement of the clauses of a Treaty which bears the signature of our two Governments.

Captain Campbell at once promised his support, and kept his promise with a loyalty which I have most sincerely recognized.

Whilst entirely admitting the incontestable rights of the French fishermen on this part of the Newfoundland coast, Captain Campbell wrote to me, in a letter dated the 1st May, 1888:—

"I merely wish to call your attention to the fact that the inhabitants of St. George's have hitherto been in the habit of gaining their living by taking herring during the season, and were this privilege suddenly and completely taken from them it would really increase the difficulties I must encounter in maintaining order."

I replied to Captain Campbell that I feared this toleration might be wrongly interpreted, and might lead them to misunderstand the rights of the French fishermen. Nevertheless, I took upon myself to make no protest so long as the nets of the native fishermen were not in the way of those of the French.

Thanks to the measures taken on both sides and to the straightforward character of Captain Campbell, the season passed without the slightest collision. But the toleration which we showed last year has produced the results I feared, and the newspapers I have received from St. John's give undoubted evidence of this. General Dashwood there preaches to the inhabitants of the coast reserved for our use disobedience to the orders of the British naval officers, and advocates violent measures against the officers of the French navy.

The "Colonist" of the 6th April contains an address of some of the inhabitants of St. George's drawn up in terms offensive to ourselves. The signatures to this address are headed by the Apostolical Prefect Howley, who, last year, came on board the "Drac" to protest against the promulgation of the Bait Act, and to thank me for the toleration I had shown to the inhabitants of St. George's.

All these manifestations are malicious, and display, at least, an ill-will which may lead to deplorable collisions. I would therefore request you, as I did Captain Campbell last year, to assist me in enforcing the strict observance of a Treaty concluded between our two Governments, which nothing has tended to modify since its conclusion.

I am giving the strictest orders to the French fishing-captains that no depredations must be committed on the establishments of the inhabitants of St. George's. But, to avoid all conflicts, it is indispensable that the inhabitants refrain from interfering with the French fishermen in the exercise of their fishery rights on this part of the Newfoundland coast, rights which have been conceded to them by the English nation at the wish of His Britannic Majesty.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 3 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *at Bay St. George, Newfoundland, May* 4, 1889.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date.

1. I beg to assure you that it is my earnest desire and intention to co-operate with you to the utmost of my power in preventing any conflict between our fellow-countrymen.

2. The language attributed to General Dashwood is much to be regretted, and I shall not fail to bring your remarks upon it to the notice of my Senior Officer.

3. General Dashwood does not occupy any official position, or possess authority in this Colony.

4. The ground occupied by the herring fishery will be frequently visited by one of the officers of this ship.

5. In conclusion, I hope that the good understanding which so happily existed last year between yourself and Captain Campbell may be maintained this year, and that our joint efforts to preserve peace and order may be as successful this season as they were during the last.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 4 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-George, le* 4 *Mai,* 1889.

JE vous adresse mes remercîments pour l'assistance que vous voulez bien me promettre sur l'accomplissement de ma mission à Saint-George.

Je suis bien sûr que, grâce à cette assistance, la saison du hareng se passera, comme l'année dernière, sans aucun conflit.

J'ai reçu, ce matin, la plainte du patron de la goélette Française "Violette," dont les filets ont été, pendant la nuit dernière, pillés et les lignes de fonds coupées.

Il est assurément impossible de retrouver les coupables, mais nous serons obligés d'établir une certaine surveillance pour empêcher, autant que possible, que de pareils faits se renouvellent.

Je vous avise que deux goélettes de la Baie de Burgeos se livrent, sur ce havre, à la pêche du hareng.

C'est une tolérance que nous n'avons pas admise l'année dernière. Elle offre le grand danger d'attirer dans le havre de Saint-George les goélettes de la côte sud de Terre-Neuve.

J'ai, &c.
(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 4, 1889.

I THANK you for the assistance in carrying out my mission at St. George's which you kindly promise me. I am sure that, thanks to this assistance, the herring season will pass, as last year, without any collision.

I received this morning a complaint from the master of the French schooner "Violette," whose nets were plundered and ground-lines cut last night. It is evidently impossible to discover the culprits, but we shall be obliged to establish a certain supervision in order to prevent, as far as possible, a recurrence of such proceedings.

I beg to inform you that two schooners of Burgeos Bay are engaged in the herring fishery in this harbour. This is a thing we did not allow last year. It presents the danger of attracting to St. George's Harbour the schooners of the south coast of Newfoundland.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 5 in No. 166.

Public Notice.

THE inhabitants of Bay St. George are hereby required to abstain from any interference with the French fishermen during the exercise of their right of fishing accorded to them by Treaty.

Any just complaint on the part of the inhabitants is to be made to me on board the "Lily."

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"*Lily*," *at Bay St. George, May* 6, 1889.

Inclosure 6 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Saint-George, le* 8 *Mai*, 1889.

J'AI l'honneur de vous informer que de l'enquête faite à bord de la goélette Française "Sainte-Marie," relativement au fait qui vous a été rapporté par l'habitant Daniel Dennis, il résulte:—

1. Que plusieurs marins de ce navire ont trouvé, sur le rivage, des morceaux de bois qu'ils ont cru abandonnés et qu'ils ont voulu prendre.

2. Que le Sieur Daniel Dennis leur ayant dit que ce bois lui appartenait, ils se sont retirés sans rien emporter.

J'ai profité de cette circonstance pour rappeler à tous les capitaines des navires Français présents dans le havre de Saint-George, qu'ils doivent respecter et faire respecter par leurs hommes les établissements privés appartenant aux habitants, et se borner simplement à me signaler la gêne que ces établissements peuvent leur causer dans l'exercice de leurs droits de pêche.

Le nombre des navires Français ayant notablement augmenté depuis hier, je vais, à la date de demain, prendre exactement les mêmes mesures de surveillance qui avaient été prise l'année dernière.

Afin d'éviter le désordre et les conflits entre nos nationaux, je vous serais très obligé, M. le Commandant, si vous voulez bien rappeler de nouveau aux habitants qu'ils ne doivent gêner, d'aucune façon, la pêche des Français sur ce point de la côte de Terre-Neuve.

Je suis, &c.
(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 8, 1889.

I HAVE the honour to inform you that it appears from the inquiry held on board the French schooner "Sainte-Marie" into the complaint made to you by one of the inhabitants, Daniel Dennis—

1. That several sailors belonging to this vessel found on the shore pieces of wood which they thought had been thrown away, and which they wanted to take.

2. That Mr. Daniel Dennis having told them that this wood belonged to him, they withdrew without taking away anything.

I took the opportunity of reminding all the captains of French boats present in St. George's Harbour that they must respect, and see that their men respect, the private establishments belonging to the inhabitants, and confine themselves to simply informing me of any hindrance caused to them by these establishments in the exercise of their fishery rights.

The number of French vessels having considerably increased since yesterday, I shall to-morrow adopt the same measures of supervision which were taken last year.

In order to avoid any disorder and collisions between our respective countrymen, I should be very much obliged if you would kindly again remind the inhabitants that they must not hinder in any way the French fishery on this point of the Newfoundland coast.

I have, &c.
(Signed) A. RECULOUX.

Inclosure 7 in No. 166.

Commander Russell to Captain Reculoux.

Sir, *"Lily," May* 8, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

I beg to thank you most sincerely for the promptitude with which you inquired into the case of Daniel Dennis, which appeared to have been unfounded.

I have to-day issued a public Notice forbidding the inhabitants to fish between the hours of 8 P.M. and 4 A.M., and placing them under the same restrictions as you have done with the French fishermen.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 8 in No. 166.

Public Notice

THE inhabitants of Bay St. George are hereby forbidden to fish for herring during the stay of the French vessels at this anchorage between the hours of 8 P.M. and 4 A.M.

A gun will be fired from the "Lily" to mark the commencement and conclusion of the prohibited hours.

The inhabitants are strictly to observe this Regulation, and to refrain from interfering with or molesting the French in any way in the exercise of their Treaty right of fishing.

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"Lily," at Bay St. George, May 9, 1889.

Inclosure 9 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *May* 10, 1889.

I HAVE the honour to inform you that I have to-day inquired into the case of the schooner "Virgesco," which you brought to my notice.

2. The "Virgesco" is registered in Halifax, but is hired by an inhabitant of Bay St. George, and will become his property as soon as he is able to purchase her.

3. She is at present laid up, and has not any crew except two men as watchmen.

4. The man who has hired her is fishing the usual herring fishery until the season is past, and until he can procure a crew to proceed to the Labrador coast.

5. As he and his men are inhabitants of this bay, I have not forbidden them to fish.

Trusting that you will find this satisfactory, I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 10 in No. 166.

Public Notice.

THE inhabitants of St. George's Bay are, during the presence of the French fishing-vessels, hereby forbidden to set their nets or haul any seine between Turf Point and Barachois Little River within a distance of half-a-mile of the shore, or near any French net outside that limit.

Any net found so set, or seine being hauled, will be raised, and taken on board Her Majesty's ship "Lily," after 12 (noon) May 12th.

(Signed) G. W. RUSSELL,
Commander, R.N., and Justice of the Peace.

"*Lily*," *at Bay St. George, May* 11, 1889.

Inclosure 11 in No. 166.

Captain Reculoux to Commander Russell.

M. le Commandant, *Baie Saint-George, le* 12 *Mai*, 1889.

J'AI l'honneur de vous informer que je me suis rendu à bord de la goélette Française "Auguste-Émile," aussitôt après avoir reçu votre lettre, datée du 11 Mai, par laquelle vous m'annoncez qu'un mât et une voile d'embarcation avaient été enlevés, entre 3 et 5 heures de l'après-midi du 10 Mai, sur le warf de l'habitation des deux Frères, Edward et Samuel Butt, et que ces deux hommes avaient reconnu le mât disparu à bord de la goélette susnommée.

J'ai interrogé le capitaine de ce navire, qui m'a affirmé n'avoir eu connaissance de ce fait que quand les frères Butt sont venus à son bord, et le patron d'un de ses doris qui m'a dit avoir trouvé ce mât flottant à la mer, démuni de voile, dans la matinée du 11 Mai, et qu'il l'avait ramassé, parce qu'il le croyait sans valeur, pour en faire un mât au doris qu'il conduit.

Je me suis fait présenter le mât, qu'il avait déjà travaillé pour l'ajuster à son doris, et une voile, en toile de coton blanc neuve, qu'il était occupé à confectionner.

Aujourd'hui, à midi, j'ai mis en présence les deux frères Butt, que vous avez bien voulu envoyer à bord du "Drac," et le capitaine de "l'Auguste-Émile," accompagné du patron du doris.

Le patron du doris avait apporté le mât transformé et la voile en confection.

Les frères Butt ont persisté à dire que le bois qui leur était présenté provenait du mât disparu, mais que la voile ne ressemblait en rien à celle de leur voile. Cette dernière était teinte en rouge et loin d'être neuve, puisqu'elle avait déjà servi pendant quatre ans.

De son côté, le patron du doris a persisté dans sa première déclaration qui a été confirmée pas les hommes qui l'accompagnaient.

J'ai alors envoyé à bord de "l'Auguste-Émile" un officier du "Drac" avec les deux habitants.

On a procédé, sur ce navire, à de minutieuses recherches, qui sont restées infructueuses.

Ma conviction est que le mât et la voile ont été enlevés du warf des frères Butt par d'autres hommes que ceux de "l'Auguste-Émile;" que ces hommes, considérant que la voile seule avait de la valeur, l'ont séparée du mât et jeté ce dernier à la mer.

Néanmoins, le patron du doris a eu le tort de porter ce mât à son bord, et d'en disposer sans s'inquiéter du propriétaire.

Pour ce fait j'ai infligé un blâme au capitaine de "l'Auguste-Émile" et une punition au patron du doris.

D'un autre côté, j'ai demandé aux frères Butt ce qu'ils désiraient.

Ils m'ont répondu qu'ils voudraient bien rentrer en possession de leur voile.

Je leur ai offert de remplacer le matériel perdu, et de faire confectionner à bord du "Drac" le mât et la voile.

Ils m'ont alors dit que le mât n'avait pas de valeur, qu'ils le remplaceraient facilement, mais qu'ils seraient très satisfaits si je leur donnais la toile et les cordages nécessaires pour qu'ils puissent confectionner eux-mêmes la voile.

Ce qui a éte convenu.

Je pense, M. le Commandant, que cette affaire est terminée au gré de vos désirs.

J'ai, &c.

(Signé) A. RECULOUX.

(Translation.)

Sir, *St. George's, May* 12, 1889.

I HAVE the honour to acquaint you that I went on board the French schooner "Auguste-Émile" immediately on the receipt of your letter dated yesterday, in which you informed me that a mast and a sail had been stolen between 3 and 5 P.M. on the 10th May from the wharf of the house of the two brothers, Edward and Samuel Butt, and that these two men had recognized the lost mast on board the above-mentioned schooner.

I have examined the captain of this vessel, who told me he had no knowledge of this fact till the brothers Butt came on board, and the master of one of his dories, who told me he found the mast drifting in the sea without a sail on the morning of the 11th May, and that, not thinking it had any value, he picked it up to make a mast for his dory.

I made him show me the mast, which he had already fashioned to fit his dory, and a sail of new white canvas which he was busy making.

To-day, at noon, I examined the two brothers Butt, whom you kindly sent on board the "Drac," and the captain of the "Auguste-Émile," accompanied by the master of the dory. The latter brought the transformed mast and the sail which had been begun. The brothers Butt persisted in saying that the wood shown them came from the missing mast, but that the sail did not resemble theirs in any way. The latter had been of red colour and far from new, as it had served for four years.

On his part, the master of the dory persisted in his first statement, which was also confirmed by the men accompanying him.

I then sent an officer of the "Drac," with the two natives, on board the "Auguste-Émile." A careful search was made on board this vessel without any result. I am convinced that the mast and sail were stolen from the wharf of the brothers Butt by other men than those of the "Auguste-Émile;" that these men, considering that the sail alone had any value, separated it from the mast, and threw the latter into the sea.

The master of the dory, however, was wrong in taking this mast on board without troubling himself about its proprietor.

For this I reprimanded the captain of the "Auguste-Émile," and awarded a punishment to the master of the dory. On the other hand, I asked the brothers Butt what they wished to be done. They replied that they were anxious to recover their sail. I offered to replace the lost material, and to have a mast and sail made on board the "Drac."

They then said that the mast was of no value, and that they could easily replace

it, but that they would be glad if I would give them the necessary canvas and rope for making the sail themselves.

This was agreed to.

I believe that this termination of the incident will meet with your approval.

I have, &c.

(Signed) A. RECULOUX.

Inclosure 12 in No. 166.

Commander Russell to Lieutenant Robertson.

(Memo.) "*Lily*," *at Bay St. George, May* 12, 1889.

IN consequence of the number of French vessels which have arrived and are still expected in this bay to procure a supply of bait for the coming cod-fishing season, you are hereby directed to form and organize a system of patrol, as was done by you last year, in order that peace and order may be maintained between the French fishermen and those of Bay St. George.

2. Neither you nor the petty officers under your orders are to interfere with the French fishermen except to prevent a conflict, but you and they are at all times to collect evidence and to keep me constantly informed of any damage done by either side to the other.

You will daily ascertain and report to me the position of the herring and of the British and foreign nets in the bay.

3. You will allow it to be known that the patrol-boats are there to maintain order and to protect the French from any interference or hindrance on the part of the inhabitants, informing the latter that should they have any just cause of complaint they are to make it known to you, if possible, on the spot, and if not, to do so as soon as possible on board Her Majesty's ship "Lily."

4. I am informed by Captain Reculoux, of the "Drac," that all French boats, dories, and buoys of fishing-nets belonging to the French vessels are marked by the name of the ship to which they belong.

5. The part of the coast between Turf Point and Little Barachois River has been forbidden to be used by the inhabitants as a fishing ground within half-a-mile of the shore.

6. The steam-cutter may, when necessary, be used for this service, and you will apply to the First Lieutenant for such other boats, petty officers, and men as may be required to execute this service.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 13 in No. 166.

Commander Russell to Captain Reculoux.

Sir, "*Lily*," *May* 12, 1889.

I HAVE the honour to acknowledge the receipt of your letter of this day's date.

2. I beg to express to you my most sincere thanks for the great promptitude which you have shown in investigating the complaint of the brothers Samuel and Edward Butt, and for the very thorough manner in which the inquiry was carried out.

2. Permit me to say that your decision appears to me to have been in every way just and in a spirit of liberality towards the brothers Butt.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 14 in No. 166.

Comparative Results of the Herring Seasons, 1888-89.

French.

	1888.	1889.	Difference.	Remarks.
Number of ships	132	71	61	Number of seines, 58.
Tonnage	13,049	6,472	6,577	
Men	2,248	1,238	1,010	Number of nets, 279.
Number of barrels fished by Bankers	7,799	3,659	4,140	
Barrels taken away by French baiters	3,450	203	3,247	The nets are now, in most cases, made like those of the inhabitants, and are very difficult to distinguish.
Barrels bought by French baiters ..	3,597	1,337	2,260	
Barrels bought from the inhabitants..	10,177	2,387	7,790	
Total barrels taken from St. George..	25,023	7,586	17,437	
	Fr.	Fr.	Fr.	
Money paid to French baiters ..	19,364	4,787	14,577	
Money paid to the inhabitants ..	53,000	9,615	43,385	

British.

Barrels cured	18,000	16,000*	2,000	* Result obtained at end of season from Custom-house Returns.
Barrels sold to the French.. ..	10,177	2,387	7,790	
Total	28,177	18,387	9,790	

The British used one seine and about 2,500 nets.

The above details are approximately correct, but I was unable to obtain the exact number of the barrels cured by the inhabitants.

(Signed) G. W. RUSSELL, *Commander.*

No. 167.

Colonial Office to Foreign Office.—(Received February 13.)

(Extract.) *Downing Street, February* 12, 1890.

I AM to inclose, for Lord Salisbury's information, the inclosed copies of a telegraphic correspondence which has taken place between the Secretary of State and the Governor of Newfoundland respecting the proposed *modus vivendi* for the coming season in regard to the lobster fisheries.

Inclosure 1 in No. 167.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, January* 28, 1890.

AN agreement is proposed with the Government of France for a *modus vivendi* during the coming fishing season only, which will give more time for negotiations on the lobster factory difficulty, namely, that there shall be no alteration in the position of British lobster factories or grounds as existing on the 1st July last year, and the French Government agree that they will undertake to grant no new lobster-fishing Concessions this year on fishing-grounds occupied by British subjects before 1st July last year. In case of any competition in the same locality, the provisional delimitation of fishing-grounds to be jointly arranged by the Naval Commanders of both nations. To this arrangement I conclude there is no objection.

Inclosure 2 in No. 167.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received January* 30, 1890.)

AM I correct in assuming that the agreement provides that the English may not establish any new factories this year, but that the French are permitted to do so provided that the ground they select was not occupied by the English previous to 1st July last?

Inclosure 3 in No. 167.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, February* 8, 1890.

REFERRING to your message of 30th ultimo, the proposed *modus vivendi* recognizes, for this season only, the lobster factories of both countries as they existed on 1st July last. Factories may, however, be transferred to other localities, if approved of by the naval officers of both nations. No new Concessions for lobster-catching to be conceded this year by either Government. This is strictly provisional, and only for this season.

No. 168.

Vice-Admiral Watson to Admiralty.—(Received at the Foreign Office, February 14, 1890.)

Sir, "*Bellerophon*," *at Bermuda, December* 10, 1889.

I HAVE the honour to submit Reports on the Newfoundland fishery season, 1889, from Captain Sir Baldwin Wake Walker, Bart., of Her Majesty's ship "Emerald," and the officers commanding the "Lily" and "Ready," who were serving under his orders, and in doing so I beg to offer the following remarks.

2. I most earnestly hope that prior to next season an honourable and just settlement of the lobster fishing question may be arrived at by the British and French Governments, as the position of the naval officers of both countries is rendered most unpleasant by the present state of affairs, and it has only been by great tact and judgment on the part of the officers employed on this service that questions did not go beyond the acute stage.

3. In conversations I have had with Commodore Maréchal he has shown how anxious he is, and the officers serving under him, that they should receive instructions identical with ours, and thereby avoid those differences which are now constantly arising, and are as unpleasant to our French brother officers as they are to us.

4. I strongly recommend, for the reasons stated in Captain Sir B. Walker's letter of the 26th November, 1889, that a suitable steam-launch should be sent out to Halifax for the "Emerald" (Senior Officer's ship on the Newfoundland coast) early in the spring, so that she may be fitted under Captain Walker's supervision for special service between Brig Bay and Port Saunders. Telegraphic communication should be at once established between those places; and a small coal depôt at Port Saunders for the west coast cruizer is most desirable, the materials for which might be taken from Halifax, and a shed erected by the carpenters of the "Emerald."

5. I would also call attention to the desirability of the Newfoundland Government being called upon to issue stringent instructions as to the marking of schooners, and I consider Captain Walker's suggestion should be adopted, viz., "that their sails should be marked as a means of identification less easy of evasion."

6. In conclusion, their Lordships will have observed from previous communications, and from the Reports now transmitted, that great credit is due to Captain Sir Baldwin Walker and the Commanders of Her Majesty's ships "Lily" and "Ready" for the zealous and judicious manner in which they have carried out their duty during the fishery season of 1889.

I have, &c.
(Signed) G. W. WATSON.

Inclosure 1 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Bermuda, November* 23, 1889.

I HAVE the honour to forward the Fishery Reports of Her Majesty's ships "Emerald," "Lily," and "Ready."

2. The two latter ships, by my orders, have been kept cruizing on that portion of the coast where the French have Treaty rights.

3. Commanders Russell and Graham performed their duties to my entire satisfaction. Commander Russell, in his conduct of affairs during the bait season at St. George's Bay, and subsequently in St. Margaret's Bay, acted with great discretion.

4. The Bait Bill has, undoubtedly, brought more French vessels to the coasts, especially the east, though up to the present there has been no further increase in the number of occupied French rooms.

5. In the correspondence between Commodore Maréchal and myself, which has been forwarded, the chief interest lies in the claim of the French to the lobster industry under the Treaty and the justification of their actions against British property to enforce the claim.

6. A Report on the French and English lobster factories, by Commander Russell, will shortly be forwarded, but, owing to the unfortunate wreck of Her Majesty's ship "Lily," much valuable information has been lost, and I have not yet received some of the details from the factories.

7. The French have this year established and worked two new lobster factories on the west coast, in addition to those previously erected, one at Brig Bay, which is on an extensive scale, and another at John Meagher's Cove (Castors River); both of these are being still further enlarged ready for next season.

8. The steam-cutter of this ship, in charge of Lieutenant Weigall, who did his work most zealously, was detached and stationed at Port Saunders, in order to prevent any interference by the English lobster-traps with the French fishing operations, but the French never visited the waters during the whole period.

9. I would call attention to the urgent necessity of the Newfoundland schooners complying with the Merchant Shipping Act. I have communicated the names of several of the offending vessels to his Excellency the Governor, but I have noticed that it is quite the exception to find one of these vessels properly marked.

As I believe that the Customs authorities have represented that in some cases these vessels have painted over their names after clearing, I would suggest that their sails should be marked, and thus have a means of identification less easy of evasion.

10. It would be advisable if some arrangement could be come to with the French authorities that would insure either the punctual payment of the "gardiens" in charge of rooms, or, should the rooms be no longer required, the removal of the boats and stores.

11. I may add that though the personal relations between the officers of the two nations have been very friendly, the great divergence of instructions has caused the official situation to be much strained.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 2 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, "*Emerald*," *at Bermuda, November* 26, 1889.

I HAVE the honour to offer for your consideration the following remarks and suggestions:—

1. The past season has brought the question of the lobster industry to a stage when considerable danger exists in allowing matters to drift, for the following reasons:

A feeling of great irritation still exists with the French on account of the Bait Act; as to whether the Act has caused any monetary loss I am not prepared to say, but it undoubtedly causes inconvenience from uncertainty as to whether bait will be procurable in sufficient quantities.

2. I am inclined to believe, from information received from various sources, that during the past season, owing to the badness of the fishery on the Banks, it has prevented the money loss being as heavy as it otherwise would, as the difference in catch would not have compensated for the money expended in the purchase of bait. The Act has undoubtedly brought the French back to the shore fishery, and though there has been no increase in the number of occupied rooms, a greater number of French Bankers have come to the coast for bait, with the result that the decline of the shore fishery has been decidedly checked; in fact, on the west coast, there has been a slight increase in the numbers. In order to maintain the shore fishery, the lobster industry becomes an essential auxiliary, and the question consequently has been pressed to a much greater extent than otherwise would have been the case, it, under the circumstances, being a matter of considerable importance to the "armateurs."

3. The French are enlarging the factories established this year, and the erection of others is contemplated. Rumours assign their positions as follows:—

John Meagher's Cove (Castors Bay), Eddies Cove, Bay St. John, Keppel Island, and Portland Head,

but there were no signs of any actual buildings up to the time of my leaving the coast.

Should any of these points be selected there will be the difficulties to contend with of English and French lobster factories desirous of occupying the same fishing grounds, and it will, under these circumstances, be almost impossible to prevent incidents such as occurred in St. Margaret's Bay this season, without some special provision being made. A feeling of resentment against the French is rapidly increasing among the inhabitants along the coast on account of these acts of interference by the French cruizers, and I cannot but perceive that there is an increasing risk of this feeling showing itself in acts of an aggressive nature.

I would therefore suggest that—

(*a.*) Telegraphic communication should be established on that portion of the coast between Brig Bay and Port Saunders.

(*b.*) A suitable boat should be attached to this ship for service at Port Saunders; a picket-boat could cruize with ease and safety between that port and Brig Bay, a distance of 42 miles, with harbours of refuge in case of bad weather. I was unable to obtain a suitable boat at St. John's, and the steam-cutter of this ship, which was stationed there during the season, was quite unequal to this service, and was unable to leave the vicinity of her port. I am also informed that the French "armateurs" have petitioned their Government for a steam-boat to be stationed at St. John's Island, and this, I believe, has the approval of the French officers.

(*c.*) A small depôt of coal for the west coast cruizer should be established at Port Saunders, a shed for its reception being built by the carpenters of the ships, for although coal is sometimes obtainable at L'Anse-à-Loup, the price is exorbitant and the quality inferior, besides which there is the uncertainty of its being procurable when required.

4. I would also point out that by the instructions to English naval officers they are required to act on the spirit of the Arrangement of 1885 as far as possible, whereas the French naval officers have certainly only done so when it suited their views; thus, whilst ignoring Article II, they have acted up to Article IX in the fullest sense.

5. In conclusion, I may add that another question arises with the increase of French lobster factories, and that is the right of importation of goods for the prosecution of the lobster industry in any but French vessels. This season commenced and will probably be further developed a regular trade between Halifax and Newfoundland, which is carried on in English bottoms. Though I am aware under certain circumstances it would be inadvisable to press this matter so long as it took place under the French flag, I apprehend it assumes a different complexion as soon as it is done under any other colours, and, I need hardly point out, opens the way to great abuse. The tendency to illicit trading is already very great; in fact, an application was made to Commander Russell by the Prud'homme Vilala of Port-au-Choix for the recovery of a debt for goods brought from France, which were certainly not for fishing purposes, one of the articles being female wearing apparel.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 168.

Commander Russell to Captain Sir B. Walker.

"*Lily*," *Commissioner's House, Halifax, September* 28, 1889.

Sir,

IN forwarding my Fishery Report for the season 1889, I have the honour to submit the following remarks :—

2. The cod fishery has been extremely poor on the part of the inhabitants, little or nothing having been done, except about the Bay of Islands, Bonne Bay, and Flowers Cove.

3. On the other hand, the French have done well, and on my last visit to Port-au-Choix and St. John Island fish were abundant, though bait was very scarce.

4. At Red Island also they are reported to have done well.

5. The spring herring fishery at St. George's Bay showed a considerable falling-off on last year's take, which was exceptionally large.

6. The summer and autumn herring fishery had, up to the 16th September, been an almost total failure.

There was still time for the herring to arrive, but great anxiety was felt all along the coast, especially as the cod fishery had also been a failure.

7. Unless the herring come in late in the season, there is reason to fear considerable distress on the west coast during the approaching winter.

8. The number of French fishermen was much the same as last year.

9. There were at Red Island 110 men.

The "armateurs" are residents of St. Pierre.

The fishermen are from France.

10. At Port-au-Choix and Savage Island 291 men. Armateurs Guibert et Fils, Auguste Lemoine.

11. At St. John Island, excluding the factories at Barred Bay and Bartlett's Harbour, 100 men. Anatole Lemoine.

12. At Brig Bay, 48 men employed by the French factory there. "Armateurs Société des Pêcheries Francaises de Terre-Neuve." Total 549. Several vessels also fish "en dégrat."

13. The weather up till the end of July was extremely bad, with constant winds and much fog; from that till the middle of September it was fine, when strong west winds again set in, accompanied by fog.

14. The herring fishery at St. George's Bay, and the lobster factories, British and French, have formed the subject of separate Reports.

15. Owing to the loss of the "Lily," this Report is only up to the 16th September, 1889.

I have, &c.

(Signed) G. W. RUSSELL.

Inclosure 4 in No. 168.

Commander Graham to Captain Sir B. Walker.

"*Ready*," *at Bermuda, November* 21, 1889.

Sir,

IN forwarding my Fishery Report, I have the honour to make the following remarks :—

2. The cod fishery this year has been a very poor one.

3. The indiscriminate use of the jigger when bait is to be procured is unwise, as the wounded fish, of which there are a great number, leave the feeding ground, followed by many others.

4. It is desirable that the Newfoundland Government should take the necessary steps to have notice given at all the outports that the use of cod-traps will be illegal after May next, as there seems to be an impression amongst the fishermen that the Newfoundland Government do not intend to enforce the Act.

5. Herring have been plentiful between Cape Bold and Conche, but in many places the catch has been small owing to the want of seines and nets.

6. The salmon fishing has been fair, but the large number of French Bankers in the Harbour of Conche adversely influenced the catch at that place.

7. The rivers, notably Sops Arm and Salmon Brook, Ariége Bay, are barred and netted, but this can only be put a stop to by having warders living on the river during the season. Persons engaged in this illegal pursuit have look-outs, who give timely warning of the approach of a man-of-war.

8. It would be more satisfactory if all French boats, &c., were removed at the end of the season, unless they are put in charge of a paid guardian. The impression amongst these men is, that when their salary is due, if it is not forthcoming their responsibility ceases, and they have neither the time to spare nor inclination to take care of property unless paid for doing so.

9. In conclusion, I beg to state that my relations with French naval officers have been on all occasions of a most friendly and cordial character.

I have, &c.
(Signed) W. H. B. GRAHAM.

Inclosure 5 in No. 168.

Captain Sir B. Walker to Vice-Admiral Watson.

Sir, *"Emerald," at Bermuda, December* 23, 1889.

I HAVE the honour to forward Commander Russell's Report on the lobster factories, French and English, on the west coast.

2. I regret the Return is not complete, and have delayed forwarding it in hopes that the mail from Halifax would have brought the necessary information.

3. On my way to Halifax, after leaving Forteau, in October, the factories about Port-à-Port had all closed, and I was unable to obtain the particulars necessary to complete the Return.

4. The season of 1889 has not been as good as previous ones, the take of lobsters again falling off in October, and the factories closed early.

5. I am quite of Commander Russell's opinion, that the lobster factories do not in any way interfere with the French *bonâ fide* fishing; and even in the places mentioned in paragraph 6 of his letter there has been no interruption to the French operations.

6. The factories are undoubtedly a great benefit to the coast population, and are gradually raising them out of the destitution which existed; they also enable time to be devoted to the cultivation of the land, a most important point for the future prosperity of the Colony, the land being in itself too poor in some places to entirely support the population, but with the employment given by the factories prevents the actual starvation that in bad fishing seasons was by no means unusual.

They are also freeing the fishermen from the trammels of the "truck" system, which has done so much to pauperize them and their families.

7. With reference to the Report on the French factories, these establishments are practically of a permanent character, especially the one at Brig Bay.

8. I am informed that several new English factories will be opened next season, especially about Port-à-Port and Bay St. George, but I believe they will all be on a small scale.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 6 in No. 168.

Commander Russell to Captain Sir B. Walker.

Sir, *"Lily," Commissioner's House, Halifax, September* 28, 1889.

IN forwarding this Report, I have the honour to submit the following remarks:—

2. The number of factories continues to increase, though certain of them which were working last year have been either temporarily or finally closed this season.

3. The results up to this date have not been so good as last year, partly on account of the extremely bad weather in the spring and early summer, and also probably owing to the fact that portions of the coast are beginning to be "fished out."

4. A succession of north-east winds in July, just before the lobsters change shells,

brought down a volume of very cold water through the Straits of Belleisle, during the continuance of which the lobsters almost ceased to crawl.

5. On my last visits, up to the 14th September, the daily takes were increasing fast, and, if the end of September and the month of October are fine, the total results will probably equal those of 1888.

6. The British factories have not in any way interfered with the *bonâ fide* French fishery, nor, except in the neighbourhood of Port Saunders, Castors Harbour, and perhaps Red Island, is there any probability of their doing so, and even this is unlikely, as the station established by you at Keppel Island has shown that the French from Port-au-Choix do not use the waters where the traps of the Port Saunders factory are set.

7. About Port-à-Port, Rope Cove, and North Cape (Shoal Point) the French schooners come in the month of June in considerable numbers to fish caplin, but, as they haul their seines on the shore, well inside the traps, no difficulties arise.

8. On the other hand, complaints have been made against the factory of Messrs. Forrest and Shearer, at Brig Bay, on the ground that the traps of that establishment, which are set in St. Margaret's Bay, occupied the waters required for those of the French.

9. The complaints, and the action of M. le Capitaine de Frégate Pierre Reculoux, of the "Drac," in raising the British traps, have been reported by special letters.

10. The factories are of very great benefit to the coast population, as they not only provide employment, with good wages, for numerous men, women, and even young girls, who, in addition, are well fed, but they give a great deal of winter employment to caretakers, and also to men employed to cut wood and build boats for the ensuing season.

11. They also purchase large quantities of herring for bait.

12. They pay wages in cash, if desired, and furnish supplies to their employés at less cost than the ordinary trading schooners, which deal almost entirely on the truck system.

13. Wages run from 60 dollars for managers and skilled hands down to 20 dollars a-month and found; girls receive from 6 dollars to 10 dollars a-month and found; fishermen are generally paid by the hundred, at prices varying from 50 to 70 cents, their boats and gear being found, but not provisions.

14. In some cases they are on wages of 25 to 30 dollars a-month. This is more usual with men from other Colonies.

15. Wood is paid for at from 1 dol. 50 c. to 2 dollars a cord, varying with the distance it has to be hauled.

16. A large factory will take 150 to 200 cords of wood for the season.

17. I was unable to get details of Cow Head and Cow Cove factories.

18. Another factory is said to be working between Sally Cove and St. Paul's, and it is also reported that one is building at Portland Creek, but whether British or French I have not been able to find out.*

19. I had hoped to visit all the factories on my way down the coast at the conclusion of the season, and to have been able to render a more complete Report.

The loss of Her Majesty's ship "Lily," with my rough notes, has prevented my doing this.

I have, &c.
(Signed) G. W. RUSSELL.

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* Since found to be British

Inclosure 7 in No. 168.

Detailed Report on British Lobster Factories.

	Place.	Owner.	Where from.	Men in Factory.		Girls in Factory.		Fishermen.		Traps.	Price per 100.	Cases.		Date of last Visit.	Remarks.
				Natives.	P. E. I. or N. S. Men.	Natives.	P. E. I. or N. S. Girls.	Natives.	P. E. I. or N. S. Men.		Dol. c.	1888.	1889.		
1	Berry Head	Sam. Butt	St. George's	6*	..	1	..	..	..	350	0 50	..	500	..	The total number of traps used by factories 1 to 8 equal 4,200.
2	Robinson Head	J. McFatridge	,,	5	..	3	..	8	..	..	0 50	..	400	..	
3	Crabbes	Chetwynd	Halifax	6	5	8	..	8	9	1,850	0 60	..	1,265	..	
4	Highlands	Nat. Butt	St. George's	2	..	4	..	6	..	..	0 50	..	800	..	
5	Ditto	J. Keating	,,	2	..	4	..	4	..	..	0 50	..	550	..	No further particulars obtainable as to Nos. 1 to 8.
6	Ditto	E. Leroux	,,	6	..	12	..	10	..	..	0 50	950	1,000	..	
6a	Sandy Point														
7	Seal Cove	J. Hayse	,,	8*	..	1	..	..	..	..	0 50	..	200	..	
8	St. George's	J. Morris	,,	4	..	1	..	3	..	..	0 50	..	300	..	Commenced about 25th August.
9	The Gravels	Abbott and Hill	Gravels	..	..	..	..	..	..	..	..	480	..	July 8	Closed. Will open for a month in September.
10	Ditto	Baird	St. John's	12	..	5	..	11	..	1,100	0 60	2,000	..	,,	
11	Marches Point	Abbott and Hill	Gravels	11	..	6	..	12	..	1,200	0 60	1,000	..	,,	Bad weather caused considerable loss.
12	Rock Cove	Halliburton	C. B.	..	..	..	..	..	..	..	..	..	..	,,	Building. May open late in season.
13	Black Duck Brook	Baird	St. John's	..	..	..	..	..	..	..	..	900	..	July 9	Closed and removed.
14	Beach Point (Port-à-Port)	Cairns	P. E. I.	7	7	6	..	6	4	800	0 60	830	..	,,	Will open about 20th July; till then supplies Broad Cove.
15	Harvey's Cove	Harvey	Harvey's Cove	4	..	1	..	..	..	300	..	Not open	155	,,	Worked by Mr. Harvey and three sons, who do everything. New this year.
16	Fox Island River	Abbott and Hill	Gravels	13	..	5	..	7	..	700	0 60	,,	..	,,	New this year.
17	Broad Cove	Cairns	P. E. I.	6	9	7	1	4	14	1,700	26 00	1,700	..	July 10	Rough weather.
18	Rope Cove	Neville	Halifax	9	1	7	..	10	..	1,000	0 60	Not open	..	,,	Ditto.
19	Lark Harbour	Torsey	St. John's	..	..	..	..	..	..	..	..	600	..	July 12	Not open this season.
20	Wood Island	Carter	Good Bank	6	4	5	..	10	..	1,500	0 60	700	..	July 11	Much impeded by rough weather.
21	Ditto	Neville	St. John's	..	..	..	..	..	..	..	..	500	..	,,	Closed. Will not reopen.
22	Liverpool Cove	Carter	Good Bank	..	..	..	..	..	..	..	..	..	..	,,	Closed. Failed last year. Will not reopen.
23	Crabb's Point	Angwin	Halifax	..	..	..	..	..	..	..	..	1,000	113	July 12	Will open in August. Last year was Stabb and Roach.
24	Shoal Point, North Cape	,,	,,	15	2	11	..	12	5	1,200	20 dollars a-month	1,000	1,084	,,	Will move to Crabb's in August.
25	Ditto	Roach	,,	5	..	3	..	4	..	200	16 00	Not open	..	,,	New this year. Will probably increase.
26	Trout River	Halliburton	C. B.	8	..	5	..	7	..	600	0 60	,,	20 Sept. to 20 Oct.	,,	Ditto.

* Catch and pack their own lobs

	Place.	Owner.	Where from.	Men in Factory.		Girls in Factory.		Fishermen.		Traps.	Price per 100.	Cases.		Date of last Visit.	Remarks.
				Natives.	P. E. I. or N. S. Men.	Natives.	P. E. I. or N. S. Girls.	Natives.	P. E. I. or N. S. Men.			1888.	1889.		
											Dol. c.				
27	Bonne Bay	Payzant and Fraser	Halifax ..	12	4	20	..	40	..	2,000	0 70	2,000	1,000	June 26	Used as a manufactory for cans and cases. Will open later.
28	Sally Point	,, ,,	,, ..	12	8	17	..	20	..	1,500	0 70	Not open	2,000	,,	Rough weather all early summer.
29	St. Paul's	,, ,,	,, ..	12	8	17	..	20	..	1,650	0 70	3,000	2,000	,,	Ditto.
30	Cow Head ..	Taylor and Cooper	Halifax ..	12	..	12	..	12	..	900	0 60	1,600	1,400	..	No opportunity of visiting or obtaining information
31	Cow Cove ..		St. John's ..	12	..	12	..	16	..	1,200	0 60	1,400	1,400		
31a	Portland Creek	..	.. ..	14	..	13	..	11	..	900	0 60	...	1,200		
32	Port Saunders	Forrest and Shearer	Halifax ..	4	6	8	2	17	..	1,370	0 50	900	1,400	Sept. 12	Rough weather and cold water.
33	Bartlett's Harbour ..	,, ,,	,, ..	4	10	6	6	12	..	1,200	0 50	Not open	2,100	Sept. 13	Rough weather and cold water, but doing well.
34	Dog Island	Chetwynd ..	,, ..	6	4	8	..	8	10	1,800	0 60	600	956	,,	Rough weather and cold water.
35	Brig Bay	Forrest and Shearer	,, ..	4	8	6	7	12	7	2,000	0 50	2,800	1,900	Sept. 15	Suffered by raising of traps by "Drac."
36	St. Geneviève	Evans	Pt. Bacque ..	7	..	5	..	10	..	800	0 60	400	320	June 14	Will close in August to purchase and cure herring.
37	Current Island	Chetwynd ..	Halifax ..	7	..	7	..	11	1	800	0 55	1,000	260	,,	Ditto.
38	St. Barbes	Forrest and Shearer	,, ..	3	9	5	1	5	2	1,000	0 50	1,200	165	June 15	Closed in August. Plant sold to Mr. Young and removed to Eddy's Cove, St. John's Bay.

(Signed) G. W. RUSSELL, *Commander.*

Inclosure 8 in No. 168.

Commander Russell to Captain Sir B. Walker.

"*Lily*," *Commissioner's House, Halifax, September* 28, 1889.

Sir,

I HAVE the honour, in submitting this Report, to submit the following remarks:—

2. All the factories which were in operation last year are again working this season, and, in addition, there are new factories at Brig Bay and Bartlett's Harbour.

3. Those at Port-au-Choix and St. John Island Harbour are small, and merely auxiliary to the cod fishery.

4. The factories at Barred Bay, Bartlett's Harbour, and Brig Bay are, however, on a considerable scale, especially the latter, which it is intended to enlarge still more.

5. All the French factories use large iron boilers, fitted with gauges, &c., and are of a permanent character.

The boiling-houses are also roofed with board, and canvas covered.

6. It is rumoured that fresh factories will be established next year on various points of the coast, but I am unable to say where, though probably one will be in Castors Bay, and another under the Highlands of St. John's—either in Eddy's Cove or "Short's fishery"—and probably at Portland Head.

7. The numbers given on the accompanying list of factories are approximate only, as it is very difficult to get accurate information, but I believe them to be practically correct.

I have, &c.
(Signed) G. W. RUSSELL.

Inclosure 9 in No. 168.

List of Factories.

Name of Place.	Date of last Visit.	Owners and Port.	Managers.	Number employed.	Cases in 1888.	Cases in 1889.	Remarks.
	1889						
1. Port-au-Choix ..	Sept. 12	Auguste Lemoine, St. Malo	Capt. Be'in ..	4–8	300	300	Traps round New Port-au Choix, and a few in.
2. Port-au-Choix ..	,, 12	Guibert et Fils, St. Malo	,, Vilala ..	6–8	250	480	Old Port-au-Choix.
3. St. John Harbour ..	,, 13	Anatole Lemoine, St. Malo	,, Landgren	8–10	300	463	Traps round St. John Island Harbour and Turret Cove.
4. Barred Bay ..	,, 13	Ditto	,, ,,	30	1,600	945	Traps under Highlands of mainland.
5. Bartlett's Harbour .	,, 10	Ditto	,, Dollo ..	27	Not open	789	Traps off factory, south of a line from the English factory to point of White Island. New this year.
6. Brig Bay ..	,, 14	Société des Pêcheries de Terre-Neuve	,, Philippe.	48	,,	957	Traps about Old Ferrolle Island, and in St. Margaret Bay. New this year. Was last year in White Bay. N.B.—All numbers are approximate, as it is very difficult to obtain accurate information.

(Signed) B. W. WALKER, *Captain.*

No. 169.

Colonial Office to Foreign Office.—(*Received February* 15.)

Sir,

Downing Street, February 14, 1890.

WITH reference to my letter of the 12th instant, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, two telegrams from the Governor of Newfoundland upon the subject of the proposed

modus vivendi between the British and French Governments in connection with the lobster fisheries on those parts of the coasts of Newfoundland where the French have Treaty rights.

Lord Knutsford does not doubt that the French Government will appreciate the difficulties which would attend the working of a *modus vivendi* founded upon the requirement that money *bonâ fide* expended in preparations by British subjects for the lobster fishery shall be entirely lost, and the bad effect which the dissatisfaction caused thereby would have upon the prospects of a permanent settlement of this question; and his Lordship hopes that, having regard to these considerations, the French Ambassador may be induced to recommend to his Government the adoption of the 1st January, 1890, as the date on which the arrangement may be based.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 169.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) *February* 12, 1890.

I ONLY received your telegram of 8th instant late on Saturday night, and submitted it to a special meeting of Executive Council on Monday. I find that no law exists prohibiting the erection of lobster factories, and it is stated that several are now in course of construction. I have telegraphed for information, and, after a meeting of Council, will again telegraph to your Lordship to-morrow.

Inclosure 2 in No. 169.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received February* 13, 1890.)

MY Ministers strongly contest the French claims to lobster fishing, but desire to meet the wishes of Her Majesty's Government as to a *modus vivendi* for this season only. They desire that the proposed date may be extended to the 1st January last, otherwise great hardship must ensue, as a large amount of money has been invested in erecting new factories.

No. 170.

Foreign Office to Colonial Office.

Sir, *Foreign Office, February* 15, 1890.

WITH reference to your letter of yesterday's date, I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of an amended draft of the proposed *modus vivendi* regarding lobster fisheries in Newfoundland, which was communicated yesterday to M. Jusserand.

The draft has been so extended as to meet the recommendation of the Governor of Newfoundland, and Lord Salisbury understands that it has Lord Knutsford's concurrence.

I am, &c.
(Signed) T. H. SANDERSON.

Inclosure in No. 170.

Amended Draft "Modus Vivendi."

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* can be agreed upon on the following bases:—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of

Newfoundland where the French enjoy rights of fishing conferred by the Treaties, it shall be understood that there shall be no modification in the positions ("emplacements") occupied by existing establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No new concesssion of fishery of lobsters shall be accorded this year, except as hereinafter mentioned.

British lobster fisheries, which may have been established between the 1st July, 1889, and the 1st January, 1890, shall not be molested. But it shall be open to French fishermen to establish fresh lobster fisheries to a corresponding extent.

No other British lobster fisheries shall be in operation up to the 1st January, 1891, unless by the joint consent of the British and French Senior Naval Officers on the station, in consideration of some equivalent permission to some new French lobster fishery on another spot.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

February 14, 1890.

No. 171.

Governor Sir T. O'Brien to Lord Knutsford.—(*Received February* 19.)

Government House, St. John's, Newfoundland,
February 4, 1890.

My Lord,

I HAVE the honour to acknowledge the receipt on the 29th ultimo of your Lordship's telegram* informing me that it is proposed to make an agreement with the Government of France as a *modus vivendi* during the coming fishing season, which will give more time for negotiations on the lobster factory question. The agreement being that there shall be no alteration in the position of British lobster factories or grounds, as existing on the 1st July last year, and the French Government undertake that no new lobster-fishing concessions shall be granted this year on fishing-grounds occupied by British subjects on or before the 1st July last. In case of any competition in the same locality, the Naval Commanders on the station will be authorized to make a temporary arrangement delimiting the boundaries of their respective fisheries. All questions as to rights are reserved. And your Lordship further informs me that you conclude there is no objection to publishing this arrangement.

2. On the 30th ultimo, in reply to the above message, I forwarded a telegram† to your Lordship, asking if I am correct in assuming that by the proposed agreement the English may not establish any new factories this year, but that the French may do so, provided that the ground they select was not occupied by the British prior to the 1st July last. To the foregoing I have as yet received no reply.

I have, &c.
(Signed) T. O'BRIEN.

No. 172.

Foreign Office to Colonial Office.

Foreign Office, March 3, 1890.

Sir,

WITH reference to my letter of the 15th ultimo relative to the lobster fisheries in Newfoundland, I am directed by the Marquis of Salisbury to request you to inform Lord Knutsford that the Secretary to the French Embassy at this Court called at this Office on the 20th ultimo, and stated that his Government were unable to accept the addition proposed to be made to the terms of the draft *modus vivendi*, as it would place the French fishermen at a disadvantage. M. Jusserand remarked that it was obvious that the British

* Inclosure 1 in No. 167.

† Inclosure 2 in No. 167.

fishermen, being on the spot, would have had the choice of the best places for the new fisheries, and that the French Government had no means of ascertaining to what extent advantage had already been taken of this priority of choice, or would be taken before the arrival of the French fishermen.

On the other hand, it was again pointed out to M. Jusserand that to prohibit entirely all the new lobster fisheries, for which preparations had been made, and money already expended in the Colony, would undoubtedly inflict considerable hardship, and produce much soreness and iritation at the very commencement of the fishing season.

After considerable discussion the accompanying amended draft has been drawn up, which M. Jusserand believes that his Government will be prepared to accept, and which I am to request that you will submit to Lord Knutsford for his concurrence.

I am, &c.
(Signed) T. H. SANDERSON.

Inclosure in No. 172.

Amended draft "Modus Vivendi."

THE questions of principle and of respective rights being entirely reserved on both sides, the maintenance of the *status quo* can be agreed upon on the following bases:—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland where the French enjoy rights of fishing conferred by the Treaties, it shall be understood that there shall be no modification in the positions ("emplacements") occupied by existing establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two Naval Stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by the joint consent of the British and French Senior Naval Officers on the station. In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the Naval Commanders.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two Naval Stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season, which is about to open.

No. 173.

Colonial Office to Foreign Office.—(*Received March* 3.)

Sir, *Downing Street, March* 3, 1890.

IN reply to your letter of the 3rd instant, I am directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he concurs in the amended draft *modus vivendi* respecting the lobster fisheries in Newfoundland which it is proposed to submit to the French Government.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 174.

Governor Sir T. O'Brien to Lord Knutsford.—(Received March 6.)

Government House, St. John's, Newfoundland,
February 13, 1890.

My Lord,

I HAVE the honour to acknowledge the receipt on the 8th instant of your Lordship's telegram,* informing me, in reply to my message of the 30th ultimo,† that the proposed *modus vivendi* with the French recognizes the lobster factories of both nations as existing on the 1st July last, but for this season only, also that transfers of factories from one locality to another may be permitted with the approval of the naval officers on the station, and that no new concessions to catch lobsters are to be granted by either nation this year. This arrangement is strictly provisional, and for this season only.

2. On the 12th instant I received another telegram from your Lordship, that it was essential that a reply should be given to the French Government with regard to the proposed *modus vivendi* not later than the day after to-morrow.

3. I accordingly, on the same evening, dispatched a message‡ informing your Lordship that I had only received your previous message late on Saturday last, that on Monday I had called a special meeting of my Executive Council to consider it, when I was informed that there was no law in force in this Colony which would enable my Government to prohibit the erection of lobster factories during next season. It was also stated that several new factories were already under construction, about which I caused telegraphic inquiries to be made, and would again telegraph after the adjourned meeting of Council, which was to take place on the 13th instant.

4. On that date I again telegraphed§ that my Ministers, while strongly contesting the right of the French to the lobster fishery, were anxious to meet the wishes of Her Majesty's Government with regard to the *modus vivendi* for this season; but that they desired that the date might be extended to the 1st January last, as otherwise great hardship would ensue, as a considerable quantity of money had already been invested in building new factories.

I have, &c.
(Signed) T. O'BRIEN.

No. 175.

Colonial Office to Foreign Office.—(Received March 6.)

Sir,

Downing Street, March 5, 1890.

WITH reference to previous correspondence relating to the question of the marking of fishing-vessels on the Newfoundland coasts, I am directed by Lord Knutsford to transmit to you, for the information of Lord Salisbury, a copy of a despatch addressed by his Lordship to the Governor of Newfoundland upon this subject, in connection with the case of the wrecking of the steam-ship "Montreal" on Belle Isle in October last.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 175.

Lord Knutsford to Governor Sir T. O'Brien.

Sir,

Downing Street, February 12, 1890.

I HAVE the honour to transmit to you, for communication to your Government, a copy of a letter from the Board of Trade, accompanied by a Report of a Court of Inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle in August last, together with a copy of a letter from the Admiralty respecting the recommendation of the Commissioner who held the inquiry that all fishing-vessels should be registered and have numbers on their sails.

In view of the serious nature of the acts committed in this case, I must remind you that the proper marking of fishing-vessels is a matter which has been continually

* Inclosure 3 in No. 167.
† Inclosure 2 in No. 167.
‡ Inclosure 1 in No. 169.
§ Inclosure 2 in No. 169.

pressed by Her Majesty's Government on the Government of Newfoundland, and I request that you will call the atttention of your present Ministers to the previous correspondence relating to this question.

Her Majesty's Government regard it of great importance that not only should the existing law be strictly enforced by the Colonial authorities, but that all boats engaged in the fisheries, whether open or decked, and irrespective of their tonnage, should be compelled by law to bear distinctive marks by which they could be easily recognized at a distance.

Further recommendations in support of this view are contained in the Reports of the naval officers which have been forwarded to you.

Although the late Government did not see their way to deal with this question in the manner desired, yet I have every hope that your present advisers will be able during the coming Session of the Newfoundland Legislature to introduce and pass a measure carrying out the repeated recommendations made to the Colonial Government on the matter not only by Her Majesty's Government, but by the naval officers on the station, whose practical knowledge of the difficulty of finding those who have committed offences against the law, owing to the want of means of identifying their vessels, renders their opinion in this matter deserving of the greatest weight.

I have, &c

(Signed) KNUTSFORD.

Inclosure 2 in No. 175.

Board of Trade to Colonial Office.

Sir, *Board of Trade, London, January* 30, 1890.

I AM directed by the Board of Trade to transmit to you, to be laid before Lord Knutsford, the accompanying copy of the Report of a Court of Inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle on the 4th August last, together with a copy of a letter, and its inclosure, received from the Admiralty, suggesting that the Colonial Government should be communicated with concerning the recommendation of the Commissioner who held the inquiry that all fishing-vessels should be registered and have numbers on their sails.

I have, &c.

(Signed) GEORGE J. SWANSTON.

Inclosure 3 in No. 175.

Extract from Report of Court of Inquiry.

THERE is a circumstance in connection with this disaster which I feel it my duty to bring to the notice of the Minister of Marine, as the master and officers seem to lay great stress upon it.

On the 8th August Her Majesty's ship "Emerald" stopped off the lighthouse and sent a boat ashore with an officer in charge, who asked the master if any assistance was required.

Captain Wall replied, saying "he would like to have a diver to ascertain the condition of his vessel." He also stated that "most of his crew had been sent to Quebec, retaining only a few to protect the steamer until assistance should arrive." This assistance, it was presumed, was expected from his agents at Quebec. The officer was further informed that, as the passengers were at the lighthouse, there was no need of immediate assistance.

The evidence of the master and other witnesses seems directed to cast some reflections upon the Captain of the "Emerald," and the master specially endeavoured to put a construction upon the actions of the officers of that ship which might go far to prove that the circumstances which occurred afterwards, in connection with the wreckers, might possibly have been avoided had the "Emerald" remained near the lighthouse. It is stated they were surprised to see the "Emerald" steam away when her boat returned.

With regard to these insinuations, I am at a loss to see what the Captain of that ship could have done in view of the statement of the master of the "Montreal" that

he was not in need of immediate assistance, and at that time we are informed that no wreckers were about.

No doubt the presence of a few armed men would have had a beneficial effect in keeping off the pirates, but I cannot say what instructions the officers of Her Majesty's ships have received as to their interference upon such occasions. Had there been a necessity of saving life, I am of opinion her officers would have acted promptly and humanely.

The following day some wreckers boarded the vessel, and, defying the seamen, plundered her. Later on they came into the cove with their schooners and anchored, then made their boats fast alongside of the steamer, and swarmed on board in large numbers.

They intimidated the crew, stole the deck fittings, sails, and gear, and with hachets and crowbars destroyed large portions of the decks in their endeavour to get at the cattle and sheep.

Ropes were put down the openings, and boxes of cheese and various articles of cargo were secured and immediately removed from the steamer. The master and crew were utterly powerless in the presence of greatly superior numbers, consequently the wreckers took complete control. While these disgraceful scenes were transpiring on board the vessel, other illicit acts were being perpetrated on the shore. The cattle and sheep which had previously been safely landed were hunted about the island, caught and killed, the carcases dragged down the cliffs, where boats were in readiness to receive them. Similar scenes have occurred whenever a vessel has been lost in the Straits of Belle Isle, either upon the Labrador or Newfoundland coasts.

It is difficult to find a remedy for these piratical acts in such isolated positions, but one means of assisting to trace and detect the men who are guilty of such crimes would be to have all fishing-vessels registered, with numbers upon their sails.

This would afford an opportunity to the owners of vessels placed in a like unfortunate position to bring these men before the Courts, and inflict a well-merited punishment upon them.

(Signed) WM. H. SMITH, *Commissioner.*

Halifax, December 3, 1889.

Inclosure 4 in No. 175.

Admiralty to Board of Trade.

Sir, *Admiralty, January* 22, 1890.

I HAVE received and laid before my Lords Commissioners of the Admiralty your letter of the 9th instant, forwarding copy of the Report of inquiry held in Canada into the stranding of the steam-ship "Montreal" on Belle Isle on the 4th August last, in which reference is made to Her Majesty's ship "Emerald."

2. In reply, I am commanded by their Lordships to transmit to you herewith, for the information of the Board of Trade, copy of an extract from a letter of Sir Baldwin Walkèr, Captain of the "Emerald," reporting the incident.

3. My Lords further desire me to say that they fully concur in the remarks of the Commissioner in respect of the action of the wreckers, and also in his recommendation to have all fishing-vessels registered, with numbers on their sails, as a partial remedy against such piratical acts; and I am to suggest, for the consideration of the Board of Trade, whether it would not be advisable to lay the matter before the Colonial Office, with a view to the Colonial Government being communicated with upon the subject.

I am, &c.

(Signed) EVAN MACGREGOR.

Inclosure 5 in No. 175.

Captain Sir B. Walker to Admiralty.

(Extract.) *"Emerald," at St. John's, August* 21, 1889.

I SAILED again the following morning, and having expended half the quarterly ammunition, proceeded to Belle Isle, where I had been informed a steamer was on shore.

On arrival there, I found her to be the steam-ship "Montreal," which had gone ashore in a fog on the 4th August. Having communicated with her captain, who stated that he did not require any assistance, I left the wreck and proceeded to Ariége Bay, where I arrived on the 9th instant, anchoring for the night in St. Lunaire Bay.

No. 176.

Colonial Office to Foreign Office.—(*Received March* 10.)

(Extract.) *Downing Street, March* 8, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, with reference to previous correspondence, an extract of a despatch from the Governor of Newfoundland, forwarding a Report of the proceedings at a special meeting of the Executive Council to consider the proposed *modus vivendi* with regard to lobster factories.

Lord Knutsford desires me to observe, for the consideration of Lord Salisbury, that difficulties might possibly arise in connection with this matter if the French naval officer should refuse to concur in recognizing any considerable number of British factories erected between the 1st July last and the time at which the *modus vivendi* may be proclaimed.

I am to suggest, therefore, that, if possible, a friendly understanding should be arrived at with the French Government that the clause in the *modus vivendi* which enables new factories to be erected with the joint concurrence of the English and French naval officers will be interpreted by the French naval officers in a liberal spirit in cases where British factories have actually been established since the 1st July last, or where preparations have been made for such establishments.

The French Government would, it is supposed, recognize, in connection with such a suggestion, the expediency of treating the people of Newfoundland with all possible consideration in this respect, in view of the importance of securing their adhesion to the proposed arbitration on the lobster fishery question.

Inclosure 1 in No. 176.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,

(Extract.) *February* 17, 1890.

REFERRING to my despatch of the 4th instant, I have the honour to acknowledge the receipt since that date of your Lordship's several telegrams in reference to lobster factories, and to report my action thereon.

2. It was late on the evening of Saturday, the 8th instant, when I received your Lordship's message in answer to my inquiry, and informing me that, as I supposed, the rights under the proposed *modus vivendi* would be equally granted to both parties, and also making a further mutual concession, viz., that factories could be removed to other sites provided the Naval Commanders concurred in such a removal. On Monday I held a special meeting of Council, to whom I submitted the whole case thus complete, when a long, earnest discussion took place.

3. I am happy to inform you, my Lord, that my new Ministers all evinced a desire to meet the wishes of Her Majesty's Government as far as they were able, and considered they would be supported by the Colony.

4. On one point, however, they were as strong as the old Cabinet, viz., that whatever might be the *modus vivendi* agreed to, they did not and could not admit in any way that this temporary concession acknowledged the French right to lobster fishing, which they maintain is totally beyond their Treaty rights—a view I find fully confirmed by one of the old records of the Colony, for in 1765 the French took and proceeded to cut up a whale caught on our coasts, but had to give it up, and did so seemingly without remonstrance, the then Governor, Palliser, having decided that it was not the fishery granted to them under Treaty, and certainly a whale is more of a fish than a lobster.

5. The Council then considered the terms of the telegram to be sent to your Lordship, and it having been stated that it was believed in St. John's that nine new factories were to be, or had already been, started, for which a considerable outlay had been incurred, they suggested the 1st January last taking the place of the 1st July in the Agreement; and as no law exists that authorizes the local authorities to prevent factories being put up, or to remove them when erected, which power would have, under the Treaties, to be given to the naval officers, I requested that the Proclamation or instructions might emanate from home, and be, I presume, published by me in the name of Her Majesty's Government.

6. At the meeting it was also further decided that the Colonial Secretary should inquire from such ports on the coast as are connected by telegraph with this as to the number by which the factories on the western coast are likely to be increased this year. In one case we were told twenty-three, and in the other twenty-seven. Doubtless many are included in both replies, so allowing for some on the east coast, with which we can hold no communication, Sir William Whiteway and myself considered we should be within the mark if we telegraphed twenty as the probable number, which I accordingly did on the 15th instant.

Inclosure 2 in No. 176.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
My Lord, *February* 15, 1890.

I HAVE the honour to inform your Lordship that on this day I transmitted a telegram to Downing Street stating that it had been represented to me, before I sent my telegram of the 13th instant, that about nine new lobster factories were erected, or in course of erection, but that I had learnt since then more had been begun and contemplated. Owing to the difficulty in obtaining information, I was unable to give your Lordship definite numbers, but should estimate them at about twenty; however, I was unable to ascertain how far they had progressed.

I have, &c.
(Signed) T. O'BRIEN.

No. 177.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, March* 10, 1890.

WITH reference to the verbal communications which have taken place as to the conditions on which the lobster fisheries in Newfoundland should be carried on during the ensuing season, I have the honour to transmit herewith the draft of a *modus vivendi*, and to state that Her Majesty's Government are prepared to accept it.

I shall be glad to learn whether your Excellency is authorized to assent to it on behalf of the Government of the French Republic.

I am, &c.
(Signed) SALISBURY.

Inclosure in No. 177.

Draft Modus Vivendi.

THE questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo* shall be maintained during the ensuing season on the following bases :—

Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modification in the positions ("emplacements") occupied by the establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by the joint consent of the Commanders of the British and French naval stations.

In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between the said Naval Commanders.

Whenever any case of competition in respect of lobster fishery arises between the fishermen of either country, the Commanders of the two naval stations shall proceed on the spot to a provisional delimitation of the lobster fishery grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

LES questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, les Gouvernements Français et Britannique sont convenus pour la saison prochaine du maintien du *status quo* sur les bases suivantes :—

Sans que la France ou la Grande-Bretagne demande dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il est entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889, par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord.

Aucune homarderie ne fonctionnant pas antérieurement au 1er Juillet, 1889, ne sera admise, à moins que les Commandants des stations navales Anglaise et Française n'en tombent simultanément d'accord.

En considération de chaque homarderie nouvelle autorisée dans ces conditions, il sera loisible aux pêcheurs appartenant à l'autre nationalité d'établir une nouvelle homarderie sur un point que les dits Commandants devront déterminer de même d'un commun accord.

Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire des fonds de pêche de homard, en tenant compte des situations acquises par les deux parties.

N.B.—Il est bien entendu que cet arrangement, tout provisoire, ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir.

No. 178.

M. Waddington to the Marquis of Salisbury.—(*Received March* 12.)

M. le Marquis. *Londres, le* 11 *Mars*, 1890.

VOTRE Seigneurie a bien voulu, en se référant aux communications verbales qui ont été échangées entre cette Ambassade et le Foreign Office, m'adresser un projet de *modus vivendi* destiné à régler les conditions dans lesquelles la pêche du homard aura lieu à Terre-Neuve pendant la saison prochaine.

Vous me faites savoir en même temps que le texte de ce projet a reçu l'adhésion du Gouvernement de la Reine, et vous me demandez si, de mon côté, je suis autorisé à en accepter les termes au nom du Gouvernement de la République Française.

Je m'empresse d'accuser réception de la communication de Votre Seigneurie, et après avoir pris connaissance du document qui y était joint, et qui est conforme aux vues échangées de part et d'autre au cours des pourparlers susénoncés, j'ai l'honneur de Lui faire connaître que je suis autorisé, dans ces conditions, à accepter pour mon Gouvernement, et en son nom, les arrangements consignés dans l'acte en question.

L'accord des deux Gouvernements étant ainsi constaté, par la communication de Votre Seigneurie et par la présente lettre, le projet de *modus vivendi* précité devient par suite exécutoire pour la saison prochaine, et ses dispositions seront, pendant cette période, la règle des parties pour ce qui concerne la pêche du homard à Terre-Neuve.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, March* 11, 1890.

WITH reference to the verbal communications exchanged between this Embassy and the Foreign Office, your Lordship has transmitted to me a draft *modus vivendi* for determining the conditions in which the lobster fishery is to be carried on in Newfoundland during the coming season.

You tell me at the same time that the text of this draft has been accepted by Her Majesty's Government, and you ask whether I, on my part, am authorized to accept these terms in the name of the Government of the French Republic.

I hasten to acknowledge the receipt of your Lordship's communication, and having taken cognizance of the document annexed to it, which is in accord with the views exchanged on either side in the course of the above-mentioned negotiations, I have the honour to inform your Lordship that, in these circumstances, I am authorized to accept on behalf, and in the name, of my Government the arrangements contained in the document in question.

The agreement of the two Governments being thus completed, by your Lordship's communication and by the present note, the draft *modus vivendi* thereby enters into force for the coming season, and its provisions will, for that period, be binding on the parties as regards the lobster fisheries in Newfoundland.

I have, &c.

(Signed) WADDINGTON.

No. 179.

Foreign Office to Colonial Office.

Sir, *Foreign Office, March* 12, 1890.

WITH reference to my letter forwarding copy of a note to the French Ambassador at this Court of the 10th instant, on the subject of the *modus vivendi* for the lobster fisheries in Newfoundland during the ensuing season, I am directed by the Marquis of Salisbury to transmit to you, for Lord Knutsford's information, a copy of M. Waddington's reply,* stating that the proposed arrangement is accepted by the French Government. I am accordingly to request that you will move Lord Knutsford to take all necessary steps for carrying the terms of the arrangement into execution.

I am, &c.

(Signed) T. H. SANDERSON.

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* No. 178.

No. 180.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office, March* 13, 1890.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 11th instant, informing me that the proposed arrangement in regard to the *modus vivendi* for the lobster fisheries in Newfoundland during the ensuing season is accepted by the French Government. I have lost no time in communicating this information to Her Majesty's Secretary of State for the Colonies, and in requesting his Lordship to take all necessary steps for carrying the terms of the arrangement into execution.

I have, &c.
(Signed) SALISBURY.

No. 181.

Colonial Office to Foreign Office.—(*Received March* 17.)

(Extract.) *Downing Street, March* 17, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram which was addressed to the Governor of Newfoundland on the 12th, communicating to him the terms of the *modus vivendi*.

I am further to inclose copies of two telegrams in reply which have been received from Sir Terence O'Brien.

Inclosure 1 in No. 181.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 12, 1890.

FOLLOWING is text of *modus vivendi* as agreed to: The questions of principle and of respective rights being entirely reserved on both sides, the British and French Governments agree that the *status quo ante* shall be maintained during the ensuing season on the following bases: Without France or Great Britain demanding at once a new examination of the legality of the installation of British or French lobster factories on the coasts of Newfoundland, where the French enjoy rights of fishing conferred by the Treaties, it is understood that there shall be no modification in the positions occupied by the establishments of the subjects of either country on the 1st July, 1889, except that a subject of either nation may remove any such establishment to any spot on which the Commanders of the two naval stations shall have previously agreed.

No lobster fisheries which were not in operation on the 1st July, 1889, shall be permitted, unless by joint consent of Commanders of British and French naval stations. In consideration of each new lobster fishery so permitted, it shall be open to the fishermen of the other country to establish a new lobster fishery on some spot to be similarly settled by joint agreement between Naval Commanders. Whenever any case of competition in respect to lobster fishery arises between the fishermen of either country, the Commanders shall proceed on the spot to a provisional delimitation of the fishing grounds, having regard to the situations acquired by the two parties.

N.B.—It is well understood that this arrangement is quite provisional, and shall only hold good for the fishing season which is about to open.

Give publicity to foregoing.

Inclosure 2 in No. 181.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received at the Colonial Office, March* 14, 1890, 10·45 P.M.

MY Ministers strongly protest against what would in *modus vivendi* appear to be admission of concurrent rights of lobster fishing, and are of opinion that this arrangement would be prejudicial to position of Newfoundland in future negotiations. They further contend that Imperial Government should bear expense of losses of those who have established factories since date 1st July. They consider that as this *modus vivendi* has been concluded without their concurrence it is not for them to advise as to giving notice to those whom it may affect.

Inclosure 3 in No. 181.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received at the Colonial Office, March* 15, 1890.)

RESOLUTION passed by both Houses of Parliament last night in identic terms emphatically protesting against *modus vivendi* as being prejudicial to British fishing and territorial rights, and being contrary to assurances of Her Majesty's Government that right of fishing should not be interfered with without consent of Colonial Legislature; further, that this arrangement is objectionable as indicating admission of non-existent concurrent rights on the coast.

No. 182.

Colonial Office to Foreign Office.—(*Received March* 18.)

Sir, *Downing Street, March* 17, 1890.

WITH reference to previous correspondence relating to the marking of fishing-vessels on the coast of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland upon this subject. It will be observed that this despatch has crossed the Secretary of State's despatch to the Governor of which a copy was sent to the Foreign Office in my letter of the 5th instant.

Lord Knutsford is of opinion that, although difficulties may stand in the way, some means should certainly be found for marking all vessels engaged in the Newfoundland fisheries, and not only those the marking of which is required by the Merchant Shipping Acts; and he proposes, if Lord Salisbury concurs, to desire the Governor to confer with Captain Sir Baldwin Walker, on his arrival at St. John's in the course of the fishing season, as to what steps could be taken to provide for the means of the proper marking of all such craft, and to report as to what is the practice with French and American vessels.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 182.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,

(Extract.) *February* 14, 1890.

I HAVE the honour to report that as soon as the by-elections were over, and the immediate pressure of the necessary business of the Colony was disposed of, I felt it my duty to bring prominently before my new Ministers the subject-matter of your Lordship's despatch of the 31st May last.

2. The principal difficulties which I see will have to be met, if special legislation is found hereafter to be needed, are:—

(1.) That, if marking of sails is insisted on, the Colony would expect that it

should be equally required of French, Canadian, and American vessels frequenting these waters.

(2.) That it would be considered a tax on our people, and would be magnified into arbitrary interference.

(3.) That it would be difficult and often impossible in our outports to obtain painters who could do the lettering required; a strange, but I believe to a certain extent perfectly correct statement, as I know that last year one of our men-of-war had to send its painter on board one of our fishing-vessels, as no one could be found who could, as desired by the skipper, mark his vessel in accordance with the Act; hence if this is the case in some out-harbour, what must it be for sails, &c., which may be made up in any fisherman's hut, miles away from a painter or person competent to comply with the conditions laid down in the North Sea Fisheries Convention?

No. 183.

Colonial Office to Foreign Office.—(*Received March* 21.)

(Extract.) *Downing Street, March* 21, 1890.

I AM directed by Lord Knutsford to transmit to you copy of a telegram which was addressed to the Governor on the 18th, on the subject of the *modus vivendi* for the regulation of the lobster fisheries.

Inclosure in No. 183.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 18, 1890.

REFERRING to your telegrams of the 14th and 15th March, I fear adoption of reported Resolution will not improve the prospect of ultimate settlement most favourable to British claims. There is some misapprehension in supposing that any British territorial or other rights prejudiced by *modus vivendi* or any French rights admitted; all questions of principle and of respective rights on both sides are stated expressly to be reserved. Neither Her Majesty's Government nor the Colonial Legislature have power of declaring what are British and French rights respectively, and provisional arrangement is necessary for next season.

No. 184.

Lord Knutsford to Governor Sir T. O'Brien.

Sir, *Downing Street, March* 21, 1890.

IN my telegram of the 16th December last I informed you of the wish of Her Majesty's Government to consult Sir William Whiteway generally on matters connected with the Newfoundland fisheries, and especially with the object of determining whether it would be possible to submit to arbitration the French claims connected with the lobster fisheries, and to consult with him as to terms of reference.

In your reply of the 25th December you informed me that Sir William Whiteway would not be able to leave until the end of March, or perhaps not before the end of the Session of the Local Legislature.

I have now to inform you that the Secretary of the French Embassy called at the Foreign Office on the 21st January, and observed that it could scarcely be hoped that the proposed arbitration with respect to the lobster fishery in Newfoundland could be brought to a close before the commencement of the fishing season, and that it therefore seemed desirable, in the interest of all parties, that some *modus vivendi* should be arrived at for the next season only, and pending the settlement of the question at issue. M. Jusserand accordingly communicated, for the consideration of Her Majesty's Government, the sketch of the bases on which such an arrangement might be made. I telegraphed to you the substance of this sketch on the 28th January. The proposal was to the following effect, viz., that it should be agreed as a *modus vivendi* for next season only that there should be no alteration in the position of British lobster factories or

grounds as existing on the 1st July last year, the French Government undertaking that no new lobster fishing concession should be granted this year on fishing-grounds occupied by British subjects on or before 1st July last. In case of any competition in the same locality the Naval Commanders on the station should jointly arrange provisional delimitation of fishing-grounds, and all questions of right were reserved by both parties.

You telegraphed to me in reply on the 30th January, inquiring whether you were correct in assuming that by the proposed Agreement British subjects were not to establish any new factories this year, but that the French might do so provided that the ground they selected was not occupied by the British prior to the 1st July, 1889. I informed you in reply, by my telegram of the 8th February, that the *modus vivendi* would recognize factories of both nations for this season only as existing on the 1st July, 1889, but that transfers would be permitted to other localities if approved by the naval officers of both nations. That no new concession of lobster fishery should be accorded by either Government this year; and I informed you that the proposed Agreement would be strictly provisional for this season only.

You replied, by your telegram of the 13th February, to the effect that your Ministers contested strongly the rights of the French to the lobster fishery, but that they were anxious to meet the wishes of the Imperial Government for a *modus vivendi* for this season only. You informed me that they wished the date to be extended to the 1st January, 1890, as otherwise hardship would be inflicted, as considerable money had been invested in new factories.

Your subsequent telegrams of the 13th and 15th February supplied further information in regard to the number of British factories believed to be under construction, or to be contemplated.

With a view to meet the difficulty thus pointed out an addition was proposed to be made to the draft *modus videndi*, to the following effect:—

"British lobster fisheries which may have been established between the 1st July, 1889, and the 1st January, 1890, shall not be molested. But it shall be open to French fishermen to establish fresh lobster fisheries to a corresponding extent.

"No other British lobster fisheries shall be in operation up to the 1st January, 1891, unless by the joint consent of the British and French Senior Naval Officers on the station, in consideration of some equivalent permission to some new French lobster fishery on another spot."

M. Jusserand, however, called at the Foreign Office on the 20th ultimo, and stated that his Government were unable to accept this proposal, as it would place the French fishermen at a manifest disadvantage. It was obvious, he remarked, that the British fishermen, being on the spot, would have had the choice of the best places for the new fisheries, and the French Government had no means of ascertaining to what extent advantage had already been taken of this priority of choice, or would be taken before the arrival of the French fishermen.

It was pointed out to M. Jusserand that the prohibition of all the new lobster fisheries for which preparation had been made and money expended in the Colony would not only cause considerable hardship, but would excite a feeling of soreness and irritation at the very commencement of the fishing season, which it was, on every account, most desirable to avoid.

After considerable discussion a further amended draft was agreed upon between the two Governments, the terms of which I telegraphed to you on the 12th instant.

A copy of the *modus vivendi* thus agreed upon is inclosed.

It was hoped that this *modus vivendi* would have been acceptable to your Government as an arrangement for the present season only, and as a means of avoiding disputes during the coming season, and as giving time for a more permanent settlement of the question.

I was therefore much disappointed at receiving your telegrams of the 14th and 15th instant apprising me of objections to the Agreement entertained by your Ministers, and of the passing of identic Resolutions in both Houses of the Colonial Parliament protesting against the *modus vivendi* as being prejudicial to British fishing and territorial rights, contrary to assurances of Her Majesty's Government that right of fishing should not be interfered with without the consent of the Colonial Legislature, and that the arrangement was objectionable as indicating the admission of non-existent concurrent rights on the coast.

I replied to the above telegrams by mine of the 18th instant, in which I expressed the fear which I entertained that the adoption of the Resolutions which you reported would not improve the prospect of an ultimate settlement most favourable to British

claims. I remarked that there was some misapprehension in supposing that any British territorial or other rights were prejudiced by the *modus vivendi*, or that any French rights were admitted. I pointed out that all questions of principle and of respective rights on both sides were expressly stated to be reserved, and I added that neither Her Majesty's Government nor the Colonial Legislature have the power of declaring what are British and French rights respectively, and that a provisional arrangement was necessary for the coming season.

Your Ministers are of course aware that the views held by the British and French Governments in regard to the rights of their respective subjects in the matter of the lobster fisheries are antagonistic; the French Government holding that the establishment of British lobster factories on that part of the coasts of Newfoundland to which the rights of French subjects extend is contrary to the engagements entered into by this country with France, while Her Majesty's Government contend that the French have no right to fish for lobsters, and, consequently, that the erection of lobster factories by them is in excess of the privileges granted by those engagements, and the fact of this divergence of views has given rise to the necessity of some *modus vivendi* for the coming season, so that time may be given for effecting some more permanent settlement.

The *modus vivendi* agreed to makes no concessions of right to the French, neither does it in any way detract from the maritime or territorial rights of the Colony, and therefore does not infringe the assurance contained in the despatch from the Secretary of State (Mr. Labouchere) to Governor Darling of the 26th March, 1857, which it is presumed is the assurance referred to in the Resolutions of the two Houses. That assurance was to the effect that "the consent of the community of Newfoundland was regarded by Her Majesty's Government as an essential preliminary to any modification of their territorial or maritime rights."

The *modus vivendi* obviously does not effect any such modification, and Her Majesty's Government can only hope that it will be accepted and acted upon loyally by the people of Newfoundland for the approaching season.

In the meantime, every effort will be made by Her Majesty's Government to come to some more definite settlement of the question.

I have, &c.
(Signed) KNUTSFORD.

No. 185.

M. Waddington to the Marquis of Salisbury.—(*Received March* 22.)

M. le Marquis, *Londres, le* 22 *Mars*, 1890.

PAR une lettre en date du 13 de ce mois, Votre Seigneurie a bien voulu me faire savoir que l'accord entre nos deux Gouvernements pour régler le *modus vivendi* à Terre-Neuve en ce qui concerne la pêche du homard pendant la saison prochaine ayant été établi et accepté des deux parts, le Gouvernement de Sa Majesté la Reine prenait les dispositions nécessaires pour assurer en ce qui le concerne l'exécution de cet arrangement.

En remerciant Votre Seigneurie de cette communication, j'ai l'honneur de Lui faire savoir que de son côté mon Gouvernement prend les mesures nécessaires pour assurer également en ce qui le concerne l'exacte application des dispositions arrêtées d'un commun accord.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord, *London, May* 22, 1890.

IN a note dated the 13th of this month, your Lordship informed me that, the Agreement between our two Governments for the establishment of the *modus vivendi* in Newfoundland with regard to the lobster fishery during the coming season having been concluded and accepted by either side, Her Majesty's Government was taking the necessary steps to insure the carrying out of this arrangement.

In thanking your Lordship for this communication, I have the honour to acquaint you that my Government, on their side, are taking the necessary measures for equally insuring, so far as they are concerned, the exact application of the provisions settled by mutual agreement.

I have, &c.
(Signed) WADDINGTON.

No. 186.

Colonial Office to Foreign Office.—(Received March 22.)

Sir, *Downing Street, March 22, 1890.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copy of a telegram from the Governor of Newfoundland, making inquiry as to the meaning on certain points of the *modus vivendi* recently agreed upon with the French Government for the coming season in regard to the lobster factories.

I am also to inclose the draft of a telegram which, with Lord Salisbury's concurrence, Lord Knutsford proposes to send to the Governor in reply.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 186.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received March 20, 1890.*)

MY Ministers raise question whether, under *modus vivendi*, French have right of erecting as many factories as they desire by authority from naval officers, or are naval officers limited to granting permission to French to erect factories only for equivalent number erected by British since 1st July, 1889, or if British do not erect new factories after that date, can French erect single factory.

Inclosure 2 in No. 186.

*Draft of Telegram to Governor Sir T. O'Brien.**

REFERRING to your telegram of 20th March, a new factory of either nation can be erected only if both Naval Officers Commanding consent. *Modus vivendi* enables, but does not compel, two Officers Commanding to limit new factories to exactly equal number on each side. If your Ministers prefer strict maintenance of *status quo* on the 1st July, 1889, prohibiting any new factories of either nation, we believe French would probably agree, but early notice desirable in that case. Or if informed of exact number of proposed new British factories, French would probably limit their preparations accordingly, and friction might be avoided.

No. 187.

The Earl of Lytton to the Marquis of Salisbury.—(Received March 27.)

My Lord, *Paris, March 26, 1890.*

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of a question put to the Minister for Foreign Affairs in the Senate yesterday, and of his Excellency's reply, on the subject of the Newfoundland fisheries.

After asserting that the French rights are absolute and exclusive, M. Ribot defended the new *modus vivendi* as being a temporary arrangement, to be followed, when it expired, by a renewal of negotiations with England, which he hoped would secure more favourable terms for French fishermen.

A desire having been expressed for a fuller discussion of the whole question, M. Ribot accepted an interpellation on the subject, which was fixed for a month hence.

I have, &c.

(Signed) LYTTON.

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* Forwarded March 24.

Inclosure in No. 187.

Extract from the "Journal Officiel" of March 26, 1890.

Question.

M. le Président.—La parole est à M. l'Amiral Véron pour poser une question à M. le Ministre des Affaires Étrangères.

M. l'Amiral Véron.—Messieurs, je viens poser une question à M. le Ministre des Affaires Étrangères, qui veut bien l'accepter, au sujet des difficultés que rencontrent nos pêcheurs de Terre-Neuve dans l'exercice de leurs droits établis par les Traités conclus avec l'Angleterre à diverses époques, de 1713 à 1814.

Je vais aussi préciser quels sont ces droits et comment ils interdisent à nos voisins de venir nous faire concurrence ou nous gêner sur les parties de côte de la grande île, délimitées par les Traités.

M. l'Amiral Peyron.—Et nous en chasser !

M. l'Amiral Véron.—Il y a plus d'un mois, j'avais demandé à poser cette même question à l'honorable M. Spuller, en même temps que je voulais avoir des explications relatives à la protection que notre station navale accorderait cette année à nos nationaux.

Mais des négociations—qu'il ne fallait pas troubler—étaient entamées avec le Foreign Office à l'effet d'obtenir un *modus vivendi* pour la prochaine campagne de pêche, le temps manquant pour discuter à fond toute l'étendue de nos droits.

La démission de M. le Ministre est survenue juste au moment où il aurait pu me répondre à cette tribune, car le *modus vivendi* venait d'être arrêté entre les deux Gouvernements. J'en parlerai naturellement au cours de ma discussion.

Il faut tout d'abord, Messieurs, que je vous rappelle que, depuis quelques années, les pêcheurs Anglais non seulement se sont installés dans les baies où seuls nous avons droit de pêche, pour y exploiter en même temps que nous, l'importante industrie des conserves de homard, que non seulement ils ont gêné nos nationaux dans l'exercice de leur industrie, qu'ils leur ont fait une sérieuse concurrence et un tort considérable pour l'avenir en prenant indistinctement petits et gros crustacés (ce qui en amènerait fatalement la destruction complète), mais que, n'arrêtant pas là leurs prètentions, ils voudraient aller jusqu'à nous contester le droit d'y faire la pêche en même temps qu'eux ! en un mot ils voudraient nous en chasser.

M. l'Amiral Peyron.—Voilà la vérité !

M. l'Amiral Véron.—Deux fois j'ai déjà eu l'honneur de traiter cette question devant le Sénat, lo 17 Janvier, 1887, et le 24 Octobre, 1888.

Plus récemment, le 20 Janvier dernier, l'honorable M. Flourens, lui aussi, devant la Chambre des Députés, a de nouveau exposé les plaintes de nos pêcheurs, en faisant ressortir avec sa haute compétence nos droits indiscutables et exclusifs de pêche.

Je ne veux pas renouveler devant le Sénat toute la discussion que j'ai soutenue devant lui, aux deux séances que je viens de rappeler; il s'agissait de nos grands intérêts commerciaux et maritimes et de la défense de nos droits.

Permettez-moi seulement, Messieurs, de vous rappeler le texte de l'Article V du Traité de 1783 (Traité de Versailles) qui peut-être considéré comme le dernier conclu, car celui de 1814–15 intervenu à la suite des guerres de l'Empire, n'en est que la confirmation.

A cette époque, et depuis le Traité d'Utrecht, le "French Shore" (comme disent les Anglais) s'étendait depuis le Cap Bonavista est jusqu'à la Pointe Riche ouest, passant par le nord de la presqu'île et sans aucune interruption.

Mais il y avait eu des rixes fréquentes entre les pêcheurs des deux pays sur la côte de Bonavista au Cap Saint-Jean, partie de côte déjà habitée par un certain nombre d'Anglais.

L'Article V dit:—j'appelle, Messieurs, toute votre attention sur cet Article qui est la base de ma discussion et qui fait ressortir le bien-fondé de nos droits—"Sa Majesté le Roi Très Chrétien, pour prévenir les querelles qui ont eu lieu jusqu'à présent entre le deux nations Anglaise et Francaise consent à renoncer au droit de pêche qui lui appartient en vertu de l'Article XIII susmentionnée du Traité d'Utrecht, depuis le Cap de Bonavista jusqu'au Cap Saint-Jean, situé sur la côte orientale de Terre-Neuve; et Sa Majesté le Roi de la Grande-Bretagne consent, de son côté, que la pêche assignée aux sujets de Sa Majesté Très Chrétienne, commençant au dit Cap de Saint-Jean, passant par le nord et descendant par la côte occidentale de l'Ile de Terre-Neuve, s'étende jusqu'à l'endroit appelé Cap Raye. Les pêcheurs Français jouiront

de la pêche qui leur est assignée par le présent Article, comme ils ont eu droit de jouir de celle qui leur est assignée par le Traité d'Utrecht."

Vous voyez, Messieurs, ce consentement réciproque des deux Souverains aux changements apportés dans la délimitation des lieux de pêche attribués à chaque nation!

N'est-ce pas là la meilleure preuve que nous possédons bien ces droits de pêche exclusifs qui, du reste, ne nous avaient jamais été contestés sérieusement jusqu'ici, et que Lord Palmerston confirmait lui-même devant le Parlement Britannique en 1843?

Voici maintenant ce que dit la déclaration du Plénipotentiaire Anglais qui fait suite au Traité de 1783:—

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution avec la bonne foi et la ponctualité qui lui sont connues, mais de plus donnera de son côté toute l'efficacité possible aux principes qui empêcheront jusqu'au moindre germe de dispute à l'avenir.

"A cette fin, et pour que les pêcheurs des deux nations ne fassent pas naître de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'île de Terre-Neuve, et elle fera retirer à cet effet les établissements sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs Français ne soient pas gênés dans la coupe des bois nécessaires pour la réparation de leurs échafauds, cabanes, et bâtiments de pêche."

Remarquez, Messieurs, quel soin prend Sa Majesté Britannique de déclarer "qu'elle prendra les mesures les plus positives pour empêcher que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français sur les côtes, et qu'elle fera retirer à cet effet les établissements sédentaires qui y seront formés."

Ainsi l'Angleterre prenait ce double engagement: d'empêcher toute concurrence de la part de ses nationaux et de supprimer toutes leurs habitations sédentaires. Or, dans les baies dont j'ai parlé, les Anglais nous font aujourd'hui une rude concurrence; ils ont installé vingt et une homarderies, presque toutes dans des établissements sédentaires, et vous allez voir tout à l'heure qu'ils ne veulent pas être gênés par nous et qu'ils tendent à nous expulser tout à fait! (Mouvement.)

C'est à des textes aussi formels, aussi clairs, que l'on voudrait opposer je ne sais quelles arguties pour enlever à nos pêcheurs leur droit entier de pêche dans nos havres, parce que les Traités ne parlent que de pêche et que ce mot, prétendent les Anglais, est applicable seulement au poisson et non au homard qui est un crustacé. (Hilarité.)

M. le Baron de Lareinty: Le homard se pêche comme le reste!

M. l'Amiral Véron.—Vous n'avez, disent-ils, que le droit de "to fish" et non celui de "to catch."

Or, Messieurs, les Traités de cette époque étaient toujours libellés en "langue Française:" aucune restriction n'y a été introduite au sujet du mot "pêche" qui s'applique à tous les habitants de la mer indistinctement, et par conséquent on ne saurait y trouver matière à ces "interprétations" que les Anglais ont voulu y introduire depuis.

Il paraît que ce sont les officiers de la division Anglaise qui ont entendu expliquer ainsi les Traités; mais personne ne peut se laisser prendre à de pareilles subtilités, et certes, je ne pense pas que nous ayons à redouter de voir les hommes d'État Anglais s'approprier un tel mode d'interprétation.

Cependant, M. Labouchère, Membre éminent de la Chambre des Communes, dans un discours électoral, a, ces temps derniers, reproché au Cabinet "d'avoir intenté" sur les côtes de Terre-Neuve une chicane misérable et ridicule à la France, en contestant le droit de pêcher le homard parce que ce n'était pas un poisson, et cela aux applaudissements ironiques de son auditoire.

En résumé, en présence de pareils Traités, il me semble qu'aucun doute n'est permis sur nos droits et que nous restons bien forts pour les faire valoir. C'est un devoir impérieux pour nous.

Je demande maintenant au Sénat la permission de lui lire les passages les plus importants des réponses qui furent faites, par les deux Ministres des Affaires Étrangères en fonctions à ces époques, à ma question relative à notre situation à Terre-Neuve, et celle que le prédécesseur du Ministre actuel fit dernièrement à l'honorable M. Flourens.

A ma première question, le 17 Janvier, 1887, M. le Ministre des Affaires Étrangères répondit:—

"Comme je le disais tout à l'heure, le Traité d'Utrecht donne à nos armateurs un

droit de pêche absolu et sans restriction. Par conséquent nous n'entendons nullement leur contester le droit de procéder à la pêche du homard : non seulement nous entendons ne pas leur contester ce droit, mai encore le faire respecter.

" Nous entendons empêcher que les habitants de Terre-Neuve n'empiètent sur les droits de nos nationaux. Ils ont montré dans ces circonstances peu de dispositions à entrer en accord avec nous et à sanctionner la Convention dont j'ai parlé ; à raison de ces faits nous jugeons à propos de les traiter avec moins d'indulgence qu'antérieurement ; des instructions ont été données à cet effet dans les termes les plus précis."

A ma deuxième question sur le même objet, le 24 Octobre, 1888, M. le Ministre des Affaires Étrangères répondait, toujours à propos de la gêne apportée à notre industrie par les pêcheurs de homards Anglais :—

" Ces exploitations n'ont pas la droit de gêner la nôtre. Notre droit étant un droit exclusif, il peut bien comporter une certaine tolérance vis-à-vis des Anglais alors qu'ils n'entravent pas l'exercice de notre droit ; mais, toutes les fois que nous rencontrons un obstacle qui constitue véritablement une gêne pour notre exploitation, nous avons le droit, nous avons le devoir de le faire disparaître."

A propos de cette tolérance dans nos havres, il est indispensable de faire remarquer que quelques-uns sont momentanément inoccupés par nos pêcheurs, parce que, dans ces dernières années, la morue a de temps en temps presque complètement disparu ; mais chez tous les poissons migrateurs, on peut constater de semblables intermittences ; la sardine, par exemple, avait pendant cinq ou six ans entièrement déserté nos côtes, si bien que nos nombreuses usines ne trouvant plus à s'alimenter s'étaient transportées en Algérie et en Portugal ; puis elle nous est revenue en abondance dans ces deruiers temps, nos usines ont été rouvertes et ont recouvré leur ancienne prospérité.

La morue finira probablement par reprendre ses anciennes habitudes, et alors vous verrez nos pêcheurs Bretons et Normands réarmer leurs navires comme autrefois et revenir dans ces baies où nous devons avoir grand soin de ne pas laisser s'établir de servitudes provisoires qui pourraient dégénérer en prescription. Défions-nous ! (Très bien ! très bien ! à Droite.)

Qu'arriverait-il si, comme je viens de le dire, la morue revenait et si nos armateurs voulaient venir s'établir de nouveau dans ces havres qu'ils trouveraient occupés par les pêcheurs de homards, Anglais ? Les milliers de casiers tendus sur la côte empêcheront nos sennes de fonctionner et par conséquent troubleront, paralyseront notre industrie. Or, vous avez vu dans le Traité que j'ai lu tout à l'heure, si les Anglais ont le droit de gêner nos pêcheurs. (Très bien ! très bien ! à Droite.)

Enfin, dans sa réponse à l'honorable M. Flourens, le 20 Janvier dernier, je trouve les déclarations suivantes du Ministre des Affaires Étrangères :—

" Les populations de Terre-Neuve professent hautement la doctrine que l'île appartient aux Terre-Neuviens, ainsi que tous les droits inhérents à la propriété. Quoiqu'il en soit de la doctrine en question, les Traités subsisteront toujours dans toute leur intégrité, quelque soit la destinée politque de Terre-Neuve."

Et en effet, Messieurs, les Traités sont faits avec la métropole et non avec les Parlements Coloniaux : ceux-ci n'ont pas à les discuter avec nous. C'est donc un argument qu'on doit éviter de laisser introduire dans le débat.

Ainsi vous voyez que les trois Ministres qui se sont succédé depuis trois ans ont envisagé de la même manière la question de nos droits sur notre littoral de Terre-Neuve et que, par conséquent, les mêmes instructions auraient dû être données chaque année au Commandant de notre station. (Très bien ! très bien ! à Droite.)

Cependant, dans ces trois années 1887, 1888, et 1889, nos pêcheurs ne se sont pas sentis protégés de la même façon, et, d'après les plaintes portées par certains d'entre eux, on pourrait dire qu'ils ont été relativement délaissés l'an passé.

Bien entendu, Messieurs, je n'accuse en aucune façon mes jeunes camarades de la Marine ! Comme l'a dit le Ministre de la Marine : " Il faut que les instructions données soient bien nettes et bien précises. Le Commandant de la station navale a le droit de les réclamer et quand il les aura reçues il les exécutera avec sagesse et fermeté ! " (Très bien ! très bien !)

Or, j'ai lieu de croire que, lors de la dernière campagne de pêche, le Commandant n'avait pas les instructions suffisantes.

Cette année, notre Commandant aura des instructions, mais ce sera pour faire exécuter ce *modus vivendi* qui vient d'être conclu entre les deux Gouvernements.

En peu d'instants je veux l'examiner.

Nous y trouvons les pêcheurs des deux nations pouvant se livrer simultanément à la pêche du homard dans les baies et aux lieux où ils étaient établis le 1er Juillet 1889, et cela sans qu'ils puissent se gêner dans leurs travaux.

C'est-à-dire que les clauses de nos Traités sont absolument abandonnées ; et si je me reporte aux déclarations faites à la Chambre des Communes par le Ministre Sir J. Fergusson, non seulement les pêcheurs Anglais ne doivent pas être gênés par les nôtres, mais si cela arrivait, des indemnités pourraient être exigées de nos armateurs et les chiffres réclamés d'après les usages diplomatiques. (Mouvement.)

M. le Comte de Tréveneuc.—C'est la violation des Traités !

M. l'Amiral Véron.—Mais, Messieurs, c'est le renversement des rôles ! Ce sont les Anglais qui sont chez nous contre tout droit, et qui encore entendent n'y pas être gênés par nous ! Nous n'aurions plus le droit de nous établir dans les baies où ils sont, parce qu'ils y étaient au 1er Juillet, 1889. Et voilà qu'ils nous parlent maintenant d'indemnités à leur payer en cas de gêne ! (Sourires.)

Comme nous sommes loin de la déclaration des Plénipotentiaires de 1783 ? (Très bien ! à Droite.)

Je me borne à ces quelques critiques pour montrer que notre Gouvernement a dû avoir des raisons bien majeures (Sourires approbatifs à Droite), et que je ne connais pas, pour avoir consenti à l'abandon—momentané, j'en suis bien sûr,—de tous nos droits, et j'espère que ce *modus vivendi* aura vécu l'an prochain. (Nouvelles marques d'approbation à Droite.)

Messieurs, la nation avec laquelle nous avons ce différend, qui recevra vite, je l'espère, une solution conforme au droit et à la justice, c'est la colossale Puissance coloniale qui, après avoir occupé dans toutes les parties du monde d'immenses et riches territoires, a su, grâce à l'énergie et à la persévérance de la race Anglo-Saxonne qu'on est obligé d'admirer. . . . .

M. le Comte de Tréveneuc.—Et qui a l'appui de son Gouvernement qui ne l'abandonne pas.

M. l'Amiral Véron . . . . donner à ses possessions un développement et une prospérité sans pareils.

Un homme d'État compétent, Sir Charles Dilke, dans le long ouvrage qu'il vient de publier sur "l'Empire Colonial Britannique," expose que la superficie est égale à trois fois celle de l'Europe, que son revenu est de 5 milliards 250 millions, et qu'il est maître de la moitié du commerce maritime du monde.

Se postant sur toutes les côtes, prenant d'innombrables îles sur les océans ou les mers intérieures, l'Angleterre a fini par enserrer le monde dans un merveilleux réseau stratégique d'où elle surveille tous ses mouvements.

Voyez, par exemple, avec quel soin elle a occupé la route de l'Extrême-Orient : Gibraltar, Malte, Chypre, Suez, Aden, &c.

Un Sénateur.—Et l'Égypte !

M. l'Amiral Véron.—Voilà plus de 200 ans que l'Angleterre a commencé ses conquêtes, et sa politique étrangère, dirigée exclusivement par son habile aristocratie, n'a pas varié un seul instant ; toujours elle conserve le même objectif, toujours elle a sous les yeux la carte du monde, y marquant les points qui tôt ou tard devront être ajoutés aux fleurons de la Couronne Britannique.

Et elle a plusieurs manières pour opérer ses conquêtes.

C'est d'abord le droit de la guerre, qui dépouille le vaincu au profit du vainqueur ;

Ensuite, le droit de premier occupant, droit qu'elle a toujours reconnu pour elle-même en le contestant. . . .

M. Blavier.—Aux autres !

M. l'Amiral Véron . . . . le plus souvent aux autres nations.

Ce sont enfin ces occupations, dites temporaires, mot rassurant employé aujourd'hui pour l'Égypte et pour Chypre comme il le fut jadis à l'égard de Malte, et vous savez ce qu'il en advint.

Je ne puis croire que l'Angleterre veuille inaugurer aujourd'hui une quatrième manière, celle de contester à une nation amie des droits séculaires, consentis par ses Souverains, plusieurs fois affirmés par les Traités, pour les détourner à son profit, et finalement pour nous enlever ce qui nous reste de nos possessions du Nord-Amérique.

Quand furent rédigés ces Traités qui règlent notre situation respective à Terre-Neuve, j'ai rappelé, Messieurs, avec quelles minutieuses précautions les Souverains des deux pays s'étaient attachés à en faire disparaître toute équivoque, afin d'écarter pour l'avenir jusqu'au moindre germe de conflit entre les deux nations.

J'ai le ferme espoir que le Gouvernement Britannique est aussi soucieux aujourd'hui de perpétuer la bonne harmonie de nos rapports et qu'il ne voudra pas se départir envers nous de la fidèle exécution des Traités et du respect des droits acquis. (Approbation à Droite.)

J'espère que; de son côté, notre Gouvernement se montrera fermement résolu à défendre les intérêts de nos nationaux.

Voilà pourquoi, sans m'étendre davantage sur une discussion qui me paraît épuisée, je demande à M. le Ministre des Affaires Étrangères de vouloir bien rassurer pour l'avenir nos armateurs et nos populations du littoral en venant à cette tribune affirmer, comme ses prédécesseurs, nos droits exclusifs de pêche sur les côtes de la partie nord de Terre-Neuve délimitées par les Traités, et nous donner la certitude que les négociations vont continuer avec le Gouvernement Britannique dans le but de faire cesser cette concurrence et cette rivalité de la part de nos voisins. (Très bien ! très bien !)

Je serai aussi bien aise de l'entendre affirmer que le *modus vivendi* conclu, pour cette année, ne sera pas renouvelé l'année prochaine. (Très bien ! très bien !—Vive approbation à Droite.)

M. le Comte le Tréveneuc.—Ce *modus vivendi* est outrageant.

M. le Président.—La parole est à M. le Ministre des Affaires Étrangères.

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, j'ai accepté avec empresssement la question que l'honorable Amiral Véron a bien voulu m'adresser, parce qu'elle me fournit l'occasion de faire connaître aux armateurs et à nos braves marins la situation qui résultera pour eux, durant cette campagne de 1890, des arrangements provisoires conclus par le Cabinet précédent.

M. l'Amiral Véron a parfaitement expliqué les droits qui résultent pour nous du Traité de 1713 et des Traités postérieurs de 1783 et de 1815. Ces Traités nous ont donné un droit absolu et exclusif de pêche sur le rivage qui est déterminé par le Cap Raye et par le Cap Saint-Jean et qui s'appelle, vous le savez, le "French Shore."

Je n'hésite pas à affirmer, comme l'ont fait mes prédécesseurs à cette Tribune, que ce droit de pêche inscrit dans les Traités est absolu, exclusif, qu'il ne comporte aucune distinction. (Très bien ! très bien ! sur un grand nombre de bancs.)

Jusqu'à ces dernières années aucune difficulté ne s'était élevée, mais, depuis que la morue est devenue moins abondante dans ces parages, on a dû faire appel à une nouvelle source de produits ; des homarderies se sont établies, et les Anglais, usant alors d'une distinction, d'une interprétation, ont prétendu que le homard n'était pas un poisson (sourires) ; ils nous ont contesté le droit de le capturer au moyen de casiers et d'établir sur le rivage des chaudières pour préparer les conserves.

Je n'ai pas besoin de déclarer que le Gouvernement Français n'a jamais accepté cette distinction, qu'il la repousse de toutes ses forces (nouvelles marques d'approbation); il prétend et il se croit fondé à prétendre que non seulement on ne peut pas nous contester le droit de pêcher le homard dans ces parages, mais encore que les Anglais n'ont pas, eux, le droit de pêcher sur cette partie réservée, sur le "French Shore," parce que, comme l'a très bien expliqué l'honorable Amiral Véron, ils peuvent par là non seulement faire concurrence à nos homarderies, mais troubler la pêche de la morue qui nous appartient incontestablement. (Très bien ! très bien ! et nombreuses marques d'approbation.)

Messieurs, je dois dire que les vues du Gouvernement Français n'ont pas été acceptés par le Gouvernement Anglais, qu'à nos affirmations très précises et très fermes il a opposé une contradiction non moins énergique.

Je n'ai pas besoin non plus de rappeler au Sénat combien la contradiction, le conflit de prétentions qui s'est élevée entre les deux nations tendait à devenir aigu dans ces derniers temps. Il suffirait de se reporter, pour s'en rendre compte, à l'interpellation qui a eu lieu le 20 Janvier dernier à la Chambre des Députés.

C'est dans ces circonstances que mon honorable prédécesseur a cru qu'il était impossible d'aborder la campagne de 1890 sans être arrivé au moins à un arrangement de fait.

Vous comprenez, sans que j'aie besoin d'insister davantage, quels inconvénients et quels troubles pouvaient résulter d'instructions absolument contradictoires données par les deux Gouvernements aux Commandants des deux flottilles.

Les Cabinets des deux Puissances se sont donc entendus, et, à la suite de courtes négociations, ils ont conclu un Arrangement provisoire dont le Sénat voudra bien me permettre de lui donner lecture.

En voici le texte :—

"Les questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, on peut convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes :

"Sans que la France ou la Grande-Bretagne demandent dès aujourd'hui un

nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889. Par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord.

" Aucune homarderie ne fonctionnant pas antérieurement au 1er Juillet, 1889, ne sera admise, à moins que les Commandants des stations navales Anglaise et Française n'en tombent simultanément d'accord.

" En considération de chaque homarderie nouvelle autorisée dans ces conditions, il sera loisible aux pêcheurs appartenant à l'autre nationalité d'établir une nouvelle homarderie sur un point que les dits Commandants devront déterminer de même d'un commun accord.

" Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire du fonds de pêche des homards, en tenant compte des situations acquises par les deux parties.

" N.B.—Il sera bien entendu que cet Arrangement tout provisoire ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir."

Les termes mêmes de cet Arrangement permettent au Sénat d'en saisir exactement la portée.

M. le Marquis de l'Angle-Beaumanoir.—Il consacre l'usurpation !

M. le Ministre.—D'abord, il ne s'agit que de dispositions essentiellement provisoires, puisqu'il est dit que l'Arrangement prendra fin avec la campagne de pêche de 1890.

M. le Marquis de l'Angle-Beaumanoir.—Je demande la parole.

M. le Ministre.—Il est dit en outre que tous les droits des deux pays sont expressément réservés. Ce n'est donc pas un abandon des droits de la France. Une réserve formelle est inscrite en tête même de cet Arrangement.

Le *statu quo* est maintenu provisoirement; on prend pour base de transaction la date du 1er Juillet, 1889; toutes les homarderies Anglaises établies postérieurement à cette date devront disparaître et les Commandants flottilles sont chargés de faire respecter l'Arrangement, et de s'entendre pour toutes les modifications auxquelles pourraient donner lieu des nécessités qu'ils auraient à apprécier.

Tels sont, Messieurs, les termes, la portée de l'Arrangement.

Je n'ai pas besoin de dire que les instructions les plus précises ont été données au Commandant de notre station navale pour le faire respecter dans sa lettre et dans son esprit; le Sénat peut se reposer sur la fermeté et sur le tact de l'officier que M. le Ministre de la Marine a désigné pour en assurer l'exécution,

Le Gouvernement Anglais, de son côté, malgré l'émotion qui paraît s'être produite au Parlement de Terre-Neuve, et qui s'est traduite en dehors du Parlement par des manifestations extra-parlementaires, le Gouvernement Anglais, dis-je, tiendra assurément à honneur de faire respecter un Arrangement au bas duquel il a apposé sa signature. (Interruptions à Droite.)

Quant à l'avenir, je fais remarquer que l'Arrangement, par ses termes mêmes, ne l'engage pas. Il est évident que nous serons obligés de reprendre des négociations avec l'Angleterre. Nous ne pourrons pas laisser tomber cet Arrangement sans le remplacer par un autre qui, nous l'espérons, sera plus favorable aux revendications, aux droits de la France.

Le Sénat ne voudrait pas que j'entrasse en ce moment dans des explications plus détaillées. Je me borne à lui donner l'assurance que le Gouvernement qui a l'honneur de siéger sur ces bancs saura défendre, là comme ailleurs, les droits et la dignité de la France. (Vive approbation sur un grand nombre de bancs.)

M. Bozérain.—Je demande à transformer la question en interpellation. (Bruit à Gauche.)

M. le Marquis de l'Angle-Beaumanoir.—J'avais demandé la parole avant M. Bozérain, M. le Président, pour faire la même proposition.

M. le Président.—MM. Bozérain et de l'Angle-Beaumanoir demandent à transformer la question en interpellation. Je dois consulter M. le Ministre des Affaires Étrangères sur la fixation du jour de cette interpellation.

Je fais toutefois remarquer au Sénat les inconvénients et les dangers qu'il y aurait à transformer, séance tenante, en interpellation les questions qu'on pose, sans qu'elles soient portées à l'ordre du jour.

Nos collègues n'en sont pas prévenus, alors même qu'elles peuvent entraîner des conséquences très sérieuses et très graves. (Très bien ! très bien ! à Gauche.)

Je demande à M. le Ministre des Affaires Étrangères, conformément d'ailleurs au règlement, de se prononcer sur le jour de l'interpellation.

M. le Ministre.—Je ne puis, en ce qui me concerne, que me mettre aux ordres du Sénat ; mais je crois devoir faire remarquer aux interpellateurs que j'aurai fort peu de chose à ajouter à la déclaration que je viens d'avoir l'honneur de faire. (Très bien ! très bien !)

M. le Marquis de l'Angle-Beaumanoir.—C'est nous qui aurons quelque chose à ajouter !

M. le Président.—Le règlement m'oblige à poser la question au Gouvernement.

M. le Ministre des Affaires Étrangères vient de déclarer qu'il se tenait à la dispositions du Sénat.

M. de l'Angle-Beaumanoir demande la discussson immédiate.

Plusieurs Sénateurs à Gauche.—Non ! non ! A un mois ! (Rumeurs à Droite.)

M. le Président.—Je vais consulter le Sénat.

D'un côté, on demande la discussion immédiate ; de l'autre, on demande le renvoi à un mois. (Exclamations à Droite.) Permettez, Messieurs ; c'est le droit de vos collègues de combattre la discussion immédiate, comme c'est celui de M. l'Angle-Beaumanoir de la demander.

Je mets aux voix, selon l'usage, la date la plus éloignée, c'est-à-dire le renvoi à un mois.

No. 188.

Colonial Office to Foreign Office.—(*Received March* 31.)

Sir, *Downing Street, March* 29, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, inquiring whether the telegram from this Department of the 24th instant, the draft of which was approved in your letter of the 22nd instant, may be communicated to a Joint Committee of both Houses of Parliament appointed to frame an Address on the subject of the *modus vivendi*, together with the reply which Lord Knutsford has addressed to the Governor.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 188.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received March* 28, 1890.)

JOINT Committee of both Houses of Parliament appointed to frame Address on *modus vivendi*. Ministers request that your Lordship's telegram of the 24th March in which possibility of date alteration suggested be communicated to Joint Committee. Am I authorized to communicate ?

Inclosure 2 in No. 188.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, March* 29, 1890.

REFERRING to your telegram of 27th March, in my telegram of 24th March I did not suggest possibility of an alteration in date, but that French Government might agree to maintenance of *status quo ante* 1st July, 1889. You should give it to Committee, and telegraphic correspondence respecting *modus vivendi ;* and it is most desirable that before framing Address they should await arrival of my despatch of 21st March, now on the way, giving account of negotiations.

No. 189.

Colonial Office to Foreign Office.—(*Received April* 7.)

(A.)

Sir, *Downing Street, April* 5, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram received from the Governor-General of Canada, together with a copy of the reply which was returned to it, relating to the *modus vivendi* recently arranged for this season with the Government of France in regard to the lobster fisheries on part of the coasts of Newfoundland.

I am also to inclose a copy of a despatch addressed to the Governor-General of Canada, communicating to him a copy of the *modus vivendi*.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 189.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.) (*Received March* 27, 1890.)

PLEASE telegraph for information of my Ministers, who wish to know whether *modus vivendi* with France prevents Canadian lobster packers packing and fishing on the shores of Newfoundland where French have certain Treaty rights.

Inclosure 2 in No. 189.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, March* 28, 1890.

THE *modus vivendi* will be sent to you. Under it no new fisheries or factory not established previous to 1st July, 1889, can be allowed unless the French and British naval officers jointly consent. As it is doubtful how far new factories made or projected by Newfoundland inhabitants will be permitted, there is not any probability that new establishments by Canadians can be allowed.

Inclosure 3 in No. 189.

Lord Knutsford to Lord Stanley of Preston.

My Lord, *Downing Street, April* 3, 1890.

WITH reference to my telegram of the 28th ultimo respecting the *modus vivendi* recently arranged with the French Government with regard to the lobster fisheries on the west and north-east coasts of Newfoundland to which the French rights of fishery extend, I have the honour to transmit to you, for your information, and for that of your Ministers, a copy of the *modus vivendi* in question.

I have, &c.

(Signed) KNUTSFORD.

No. 190.

M. Waddington to the Marquis of Salisbury.—(*Received April* 7.)

M. le Marquis, *Londres, le* 5 *Avril*, 1890.

PAR Sa lettre en date du 31 Décembre dernier, Votre Seigneurie m'a fait connaître les observations du Gouvernement de la Reine, en réponse à une note par laquelle le Chargé d'Affaires de la République avait indiqué pour quels motifs nous considérions le Commandant du "Bisson" justifié dans les mesures qu'il a prises pour faire disparaître des obstacles constituant une gêne à la pêche Française dans les eaux de l'Ile Keppel à Terre-Neuve. Ces observations font ressortir le désaccord qui existe entre les deux Gouvernements sur la question dont il s'agit.

Une opération de même nature effectuée dans des conditions semblables par le Commandant du "Drac" à la Baie de Sainte-Marguerite, pendant la même saison de pêche a été, depuis, l'occasion d'observations similaires que l'Ambassadeur de Sa Majesté Britannique à Paris a consignées dans une note remise par lui à M. le Ministre des Affaires Étrangères le 16 Novembre dernier. Dans ce cas comme dans le précédent, il s'agit de casiers à homards appartenant au Sieur Shearer et constituant pour notre pêche une gêne absolument contraire, dans notre opinion, aux droits que nous tenons des Traités.

Ainsi que le sait Votre Seigneurie, pour des motifs que cette Ambassade lui a exposés à diverses reprises, nous tenons que les Traités nous accordent le droit de capturer toutes les espèces qui vivent dans la mer. Il nous est impossible d'admettre que nos pêcheurs bénéficient des privilèges que leur assurent les Traités s'ils s'occupent de certaines espèces marines et en soient privés s'ils s'occupent de certaines autres. Leur droit à une pêche libre et non troublée dans les limites géographiques tracées par les Conventions a toujours été revendiqué par nous et ne saurait être légitimement contesté. Les arguments opposés à notre thèse ont été bien souvent réfutés. Je ne recommencerai point cet exposé qui est fait en détail notamment dans la note que j'ai adressée à Votre Seigneurie le 15 Décembre, 1888.

Dans le cas qui nous occupe le Commandant de la Station Navale Française avait cru atteindre le dernier degré de la modération et de la conciliation en proposant au Commandant, Sir B. Walker, pour cette année et sous réserve des droits respectifs, une délimitation des fonds de pêche de la Baie Sainte-Marguerite, laissant aux pêcheurs de homards des deux nations l'espace nécessaire à l'utilisation de leurs casiers. A la fin du mois de Juillet dernier l'usine Shearer de Brig Bay persistant à occuper les terrains de pêche réservés par le Commandant de notre station à nos pêcheurs, ordre a été donné au Commandant du "Drac" de relever tous les casiers de cette usine qui seraient mêlés aux casiers Français sur ces différents points.

La Division Navale Anglaise a cru devoir prescrire aux pêcheurs de la maison Shearer de replacer leurs casiers aux mêmes endroits; et Lord Lytton a formulé dans la note précitée des observations au sujet de l'intervention du Commandant du "Drac."

Mes notes antérieures et spécialement celle que je visais plus haut répondent par avance à la plupart des observations formulées par son Excellence l'Ambassadeur d'Angleterre. L'existence et l'extension des homarderies Britanniques sur les côtes qui nous sont réservées n'ont cessé de donner lieu de notre part aux protestations les plus justifiées. Les pêcheurs de ces usines occupent au moyen de chapelets de casiers des étendues considérables du fond où nous avons un droit de pêche privilégié. Ils rendent la côte inutilisable pour nous pour toute pêche quelconque, celle de la morue aussi bien que toute autre; ils chassent le poisson par la présence et la manœuvre de leurs engins; au cas où malgré ces opérations le poisson se présenterait sur ces points, les filets de nos pêcheurs y seraient inutilisables et seraient déchirés par les casiers. Ceux-ci, d'autre part, ne sauraient comme des filets ordinaires ou tous autres instruments flottants, être, en cas de besoin, retirés de l'eau rapidement; un retrait fait au dernier moment n'aurait d'autre effet que de chasser le poisson et serait sans utilité. L'étendue géographique de côtes que les Traités nous réservent, se trouve donc ainsi réduite au gré et d'après le bon vouloir et les intérêts de simples particuliers.

Votre Seigneurie reconnaîtra, j'en suis certain, qu'une situation semblable n'est point conforme aux Conventions existantes, et elle ne saurait être acceptée par le Gouvernement de la République. Il y avait dans le cas présent gêne pour nos pêcheurs, et j'ai rappelé, du moins par voie de référence, comment nous ne pouvions considérer qu'une distinction pût être légitimement établie entre les pêcheurs de homards et ceux de toutes autres espèces marines. La suppression de cette gêne était indispensable.

Indépendamment de ce point, les observations de son Excellence l'Ambassadeur d'Angleterre portent sur la manière dont la gêne et le trouble devraient être constatés et supprimés. Ce soin serait exclusivement réservé aux officiers de la station navale Anglaise.

Votre Seigneurie n'ignore pas que sur ce point encore, la manière de voir de mon Gouvernement n'est point conforme à celle qu'exprime Lord Lytton. Des droits réels, tangibles, nous ont été concédés par les Traités; nous avons la faculté d'en user en toute liberté sans interruption ni trouble. Qu'un cas de trouble ou de gêne se produise, nul que nous n'est en situation de l'apprécier; nous ne pouvons déléguer à

personne un soin pareil ni placer en mains tierces un pouvoir de limitation de nos droits, pouvoir qui échapperait à notre contrôle.

Dans l'usage et en fait, toutes les fois qu'un navire Anglais s'est trouvé sur les lieux, la constatation de la gêne a été faite par nos officiers et l'enlèvement de l'obstacle a été demandé par eux aux officiers Britanniques. Mais lorsqu'aucun navire Anglais ne se trouve sur place, nos officiers ne peuvent que procéder eux-mêmes au rétablissement de l'état de choses normal et conforme aux Traités. Dans sa note précitée, Lord Lytton mentionne que le navire Anglais "Lily" était dans le voisinage, mais il n'échappera pas à votre Seigneurie que dans des questions de pêche, tout délai peut être nuisible et que mainte occasion de capture échapperait à nos pêcheurs si à chaque occasion on devait recourir à un navire Anglais même lorsqu'il ne s'en trouve pas sur les lieux. Les circonstances particulières que j'ai rappelées plus haut et les envahissements incessants du Sieur Shearer justifiaient d'ailleurs tout spécialement l'action à laquelle le Commandant de notre station navale a dû se résoudre.

Pour toutes ces raisons la conduite du Commandant du "Drac" paraît au Gouvernement de la République avoir été légitime. Il ne saurait en revanche laisser passer sans formuler de justes réclamations l'ordre donné par le Commandant de la Station Britannique de rétablir sur les points d'où ils avaient été retirés les casiers du Sieur Shearer, c'est-à-dire, la cause de trouble et de gêne pour notre pêche que nos officiers, s'appuyant sur les Traités, avaient prescrit de faire disparaître.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

My Lord, *London, April* 5, 1890.

IN your letter of the 31st December last your Lordship informed me of the views of Her Majesty's Government, in reply to a note by which the Chargé d'Affaires of the Republic had explained the reasons why we considered the Commander of the "Bisson" justified in the measures taken by him for the removal of the obstacles which constituted an impediment to the French fishery in the waters of Keppel Island, Newfoundland. These views show the divergence existing between the opinions of the two Governments on the question at issue.

Similar proceedings on the part of the Commander of the "Drac," under similar circumstances in St. Margaret's Bay, in the course of the same fishery season, have since given rise to observations of the same tenour, which Her Britannic Majesty's Ambassador in Paris embodied in a note left with the Minister for Foreign Affairs on the 16th November last. In this case, as in the last, the question arises out of certain lobster pots belonging to Mr. Shearer, and causing an impediment to our fishery which is, in our opinion, quite contrary to the rights we hold by virtue of the Treaties.

As your Lordship is aware, from the arguments set forth at different times by this Embassy, we hold that the Treaties give us the right to capture all species of marine animals. We cannot admit that our fishermen would fully enjoy the privileges accorded to them by the Treaties if they were allowed to catch certain marine species only, and not certain others. Their right to free and unimpeded fishing within the geographical limits laid down by the Treaties has always been insisted upon by us, and cannot rightly be contested. The arguments brought forward against our views have often been refuted. I shall not recommence this reasoning, which is to be found in detail especially in the note which I addressed to your Lordship on the 15th December, 1888.

In the case now under consideration, the Commander of the French naval station thought he had gone to the utmost limit of moderation and reconciliation in proposing to Sir B. Walker for this year, and with reservation of all respective rights, a delimitation of the fishing grounds in St. Margaret's Bay, leaving sufficient space for the employment of their lobster traps to the fishermen of both nations. At the end of July last, as Mr. Shearer's factory at Brig Bay persisted in occupying the grounds which the Commander of our squadron had reserved for the use of our fishermen, the Commander of the "Drac" was ordered to raise all such lobster traps of that factory as were intermingled with the French traps on those different spots.

The English naval squadron has instructed the fishermen of Mr. Shearer's factory to reset their traps on the same spots, and Lord Lytton in the note above referred to made certain observations on the subject of the intervention of the Commander of the "Drac."

My previous notes, and especially the one above mentioned, have anticipated a reply to most of the arguments brought forward by his Excellency the British Ambassador. The existence and extension of the British lobster factories on the coast reserved to us have never ceased to call forth the most well-founded protest on our part. The fishermen of these factories occupy, by means of strings of lobster-pots, a large portion of the grounds over which we have privileged fishery rights. They render the coast useless to us for all fishing whatever, cod fishing as well as other; they drive away the fish by the presence and working of their contrivances; in case the fish, in spite of them, does appear in these spots, the nets of our fishermen cannot be used, and would be torn by the lobster-traps. Moreover, these nets cannot, like ordinary nets or other floating gear, be, in case of need, rapidly withdrawn out of the water: such a withdrawal at the last moment would have no other effect than to drive away the fish, and would be quite useless. The geographical extent of the coast-line reserved to us by Treaty is thus restricted at the pleasure and in the interest of other individuals.

Your Lordship will admit, I am sure, that such a state of things is not in conformity with existing Treaties, and cannot be accepted by the French Government. In the present case there was an impediment to our fishermen, and I have already referred Your Lordship to my previous arguments, that we cannot consider that a distinction can legitimately be established between fishing for lobsters and fishing for any other marine species. The removal of this impediment was indispensable.

Apart from this point, the remarks of his Excellency the British Ambassador refer to the manner in which the existence of such an impediment should be proved and the obstacle removed. This, it is alleged, is a duty reserved to the officers of the British naval station.

Your Lordship is aware that on this point also the views of my Government are not those expressed by Lord Lytton. Rights of a real and tangible character have been conceded to us by the Treaties; we are entitled to exercise these rights with entire liberty, without interruption or hindrance. If a case of hindrance or impediment arises, none but ourselves are able to judge of it; we cannot delegate such a duty to any one, nor hand over to a third party a power to limit our rights, a power which would thus escape from our control.

As a matter of custom and of fact, whenever a British ship has been on the spot, the existence of the impediment has been declared by our officers, and the removal of the obstacle demanded of the British officers. But when no British ship is on the spot, our officers cannot but themselves proceed to the re-establishment of the normal state of things, in conformity with the Treaties. In the above-mentioned note Lord Lytton mentions that the English ship "Lily" was in the neighbourhood, but Your Lordship will understand that in questions of fishery, any delay may do harm, and that many a chance of a catch would be missed by our fishermen if on each occasion recourse were obliged to be had to a British ship, even when there was none on the spot. The particular cases which I mentioned above, and the constant encroachments of Mr. Shearer specially justified, moreover, the action which the Commander of our naval station saw himself compelled to take.

For all these reasons, the conduct of the Commander of the "Drac" appears to the Government of the Republic to have been justified. On the other hand, they cannot pass by without protest the orders given by the Commander of the British naval station for the resetting, on the very spot from which they had been raised, of Mr. Shearer's lobster pots, that is to say, the real cause of the trouble and hindrance to our fishery, which our officers, in accordance with the Treaties, had caused to be removed.

I have, &c.
(Signed) WADDINGTON.

No. 191.

Colonial Office to Foreign Office.—(Received April 8.)

(B.)

Sir, *Downing Street, April 5, 1890.*

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, reporting the introduction into the Colonial Legislature of a Bill repealing the Act of 1888 for the abolition of cod-traps, together with a copy of the telegram which has been sent to the Governor in reply.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 191.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April 1, 1890.*)

ACT of Parliament proposed by unofficial Member of Parliament repealing Act for abolition of cod-traps. I have remonstrated strongly to Prime Minister, who informs me that it is sure to be passed by Legislative Assembly, as opinion is unanimous in consequence of large number of Petitions in favour of it. Will affect the whole island.

Inclosure 2 in No. 191.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, April 2, 1890.*

REFERRING to your telegram of the 31st March, there is reason to fear that any legislation for legalization of cod-traps would further diminish any prospect of making arrangements at all favourable with French Government. Unless Bill contains suspending clause, it should be reserved for signification of Queen's pleasure, and accompanied by statement of arguments for justification of legislation.

No. 192.

Colonial Office to Foreign Office.—(Received April 10.)

Sir, *Downing Street, April 9, 1890.*

WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland, stating the policy which his Government intend to pursue with regard to the Bait Act.

I am, &c.

(Signed) EDWARD WINGFIELD.

Inclosure in No. 192.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April 8, 1890.*)

LICENCES for the purchase of bait in Newfoundland ports, under Bait Act of 1889, will be this year issued on payment of 1 dollar per ton register to fishing-boats belonging to France as well as other countries, each ship limited to one barrel bait per ton register.

No. 193.

Colonial Office to Foreign Office.—(Received April 15.)

Sir, *Downing Street, April 14, 1890.*

WITH reference to the letters from this Department of the 17th and 21st March last, relating to the *modus vivendi* agreed upon with the French Government in regard to the lobster fisheries this season on part of the coast of Newfoundland, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland, inclosing Resolutions adopted on the same day by the Legislative Assembly and Legislative Council upon this subject.

Lord Knutsford merely proposes at present to acknowledge the receipt of the Governor's despatch, and to refer him to the Secretary of State's despatch of the 21st March, adding that Her Majesty's Government will be glad to discuss the whole question with Sir William Whiteway on his arrival in this country, which his Lordship trusts may not be delayed longer than is necessary.

Lord Knutsford would be glad to be informed whether Lord Salisbury concurs in this course.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 193.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *March 15, 1890.*

LATE on the evening of the 12th instant I received from your Lordship the message conveying the text of the *modus vivendi* with France, which I immediately communicated to the Premier, and, it being impossible to get an Executive Council together for the next day, the matter was not brought forward until yesterday, and was under discussion at the time when the telegram containing the daily epitome of general news, in which the Arrangement was mentioned, came to hand.

2. The House was to meet in the afternoon, and the Ministry felt that they had better forestall any action in the Assembly by sending their protest at once, which I accordingly, at their request, did.

3. It was then decided that the best method of publication would be to have the text of the *modus vivendi* take the form of a Message from me to the House.

4. The House sat until late last night, and this morning I received the accompanying Resolutions, the purport of which I duly communicated to you by telegraph.

5. The excitement here is great and general in all classes of the population; public meetings are talked of, as the people feel that the time has come for concessions to be made by, and not to, France; and though I am aware that it is difficult, if not impossible, to approach the question of the internal fiscal policy of a neighbouring Power directly, still, with the precedent of the sugar bounties before us, I, as the mouthpiece of the colonists, cannot but express a hope that either as a suggestion, or by some indirect mode, when the question of the prolongation of the fishery bounties comes on (next year, I believe) for consideration in France, some means may be found by the Imperial Government to support the grievances of Newfoundland, such, for instance, as informing France, in the event of any future correspondence or protests, that she has the remedy in her own hands. For I am convinced that, were it possible to divert the bounties now paid on French-exported fish, be it but to Italy and Spain, into some other channel, then all difficulties in the question of the Bait Bill, lobster and fishing Treaty rights, would at once vanish, and a permanent settlement acceptable to all parties would be easily arranged; thus setting at rest a question that for nearly two centuries has so constantly endangered the amicable relations of two

great countries, and inflicted untold injury on the development of the resources of the oldest member of Britain's Colonial Empire.

Inclosure 2 in No. 193.

Resolutions passed by the Legislative Assembly of Newfoundland on the 14th March, 1890, and assented to by the Legislative Council on the same day.

Resolved,—"That referring to the assurances of Her Majesty's Government that the fishing rights of Her Majesty's subjects in Newfoundland should never be interfered with except with the consent of the Legislature of the Colony, and also referring to the Address of both branches of the Legislature to Her Most Gracious Majesty the Queen passed during its last Session, the Legislative Assembly has received with surprise and alarm the *modus vivendi* referred to in the Message of his Excellency the Governor of the 14th instant, which has been concluded by Her Majesty's Government with the Government of France."

Resolved,—"That the permission in the *modus vivendi* given to France to erect factories is most objectionable, as appearing to indicate a right which really has no existence, and that it is in direct opposition to the position heretofore taken by Her Majesty's Government."

Resolved,—"That the Legislative Assembly most emphatically protests against the *modus vivendi* as being calculated to seriously prejudice British fishing and territorial rights."

Resolved,—"That these Resolutions be sent to the Honourable the Legislative Council asking their concurrence therein."

Resolved,—"That a copy of the Resolutions so concurred in be immediately transmitted to his Excellency the Governor, to be telegraphed to the Right Honourable the Secretary of State for the Colonies."

Which Resolutions were concurred in by the Legislative Council on the said 14th day of March.

(Signed) GEO. M. JOHNSON, *Clerk*,
Legislative Assembly.

March 15, 1890.

No. 194.

Colonial Office to Foreign Office.—(*Received April* 16.)

Sir, *Downing Street, April* 15, 1890.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of the Speech with which the Governor of Newfoundland recently opened the Session of the Colonial Legislature.

It will be found to contain some observations relating to the Newfoundland Lobster Fisheries question.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 194.

THE ROYAL GAZETTE EXTRAORDINARY.

(Published by Authority.)

St. John's, Newfoundland, March 11, 1890.

Speech of his Excellency Lieutenant-Colonel Sir J. Terence O'Brien, K.C.M.G., on opening the First Session of the Sixteenth General Assembly of Newfoundland, March 6, 1890.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly:

IT is with much gratification that I again resort to the advice and assistance of the Legislature; and I greet you cordially on your assembling for the discharge of your important duties.

I regret to say that the results of our industrial pursuits of last year were not of a satisfactory character.

The seal fishery yielded a good return, but the statistics of cod, herring, and salmon fisheries reveal a considerable falling-off in the catch. The prices obtained for our staple productions were, however, in excess of the previous year.

The lobster fishery was prosecuted with a large measure of success, and the indications are that, if precautionary measures are adopted to protect the fishery, it will continue to provide an increasingly important element in our trade.

I am impressed with the idea that if more attention were given to the cure of our codfish, and to the protection of the other branches of our fishery, better results might confidently be anticipated.

Those who engaged in agricultural pursuits were rewarded with good harvests.

Notwithstanding the heavy decline in the price of copper in the early part of the year, mining was prosecuted to about the same extent as in the previous season. We may hope that our mineral resources will be worked with increased vigour during the present year.

In this connection I am pleased to be able to refer to the valuable result of the operations of the geological survey of the past season. It has placed beyond question the existence of workable seams of coal, of superior quality, within a short distance of our seaboard. I have reason to believe that the result of this work, when fully reported upon, will have the effect of drawing the attention of capitalists to that region, and of giving an impetus to mining and other industries in the near future.

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly:

The Customs revenue of last year has fallen short of the estimated amount.

The Estimates of the coming financial year will be presented to you at an early date. They have been framed with a view to the efficiency of the public service, and I feel assured that you will make all needful provision therefor.

Mr. President and Honourable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Honourable Legislative Assembly;

Since the Legislature last met a general election has taken place, in which the ballot system was employed for the first time in this Colony.

Notwithstanding that nearly every district in the island was vigorously contested, I have the gratification of placing on record that the proceedings were characterized by peace and good order. The result of this appeal to the constituencies has been a remarkably strong pronouncement in favour of the policy of the present Government.

A Commission has been appointed under "The Public Inquiries Act, 1888," to inquire into the operation of "The Bait Acts, 1887, 1888, and 1889," and their effect upon the trade and fisheries of the Colony. It is hoped that the Report will be laid before you ere the close of the Session.

The Right Honourable the Secretary of State for the Colonies has acquainted me that negotiations are in progress between the Governments of Great Britain and France for a settlement of the questions that have arisen with regard to the rights of the two nations respectively to catch and preserve lobsters on that part of our coasts where the French have a concurrent right of fishery, and it is hoped that a provisional arrangement for the present season may be arrived at, which I trust may pave the way to a satisfactory settlement of the difficulty.

Despatches from the Right Honourable the Secretary of State for the Colonies and other papers of public interest will be laid before you.

Bills relating to railway extension north and west, manhood suffrage, local self-government, and other important matters, will be submitted to you as the time of the Session permits.

I pray that your deliberation, under the Divine blessing, may result in the happiness and contentment of the people of this Colony.

No. 195.

Admiralty to Foreign Office.—(Received April 17.)

Sir, *Admiralty, April 15, 1890.*

I AM commanded by my Lords Commissioners of the Admiralty to request that you will state to the Marquis of Salisbury that they have received from the Colonial Office copies of the *modus vivendi* relating to the lobster fisheries, which has been arranged between the British and French Governments, for this season only.

2. These copies will be forwarded to the Commander-in-chief on the North American and West Indian Station for communication to the naval officers to be employed this season under Captain Sir Baldwin Walker, with instructions to act with patience and discretion in dealing with the questions which may arise between British and French fishermen.

3. My Lords desire me to inquire whether any further instructions may be expected for the guidance of the officers, as the fishing season is now about commencing, and it is desirable that they should be in possession of them as soon as possible.

4. A similar letter has been sent to the Colonial Office.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 196.

Colonial Office to Foreign Office.—(Received April 19.)

Sir, *Downing Street, April 18, 1890.*

WITH reference to previous correspondence, and especially to the letter from this Department of the 22nd ultimo, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Government of Newfoundland, reporting that the Joint Committee of the Legislature wish to revert to the *modus vivendi* as explained in the telegram from this Department of the 8th February, copy of which was sent to you in the letter from this Department of the 12th of that month.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 196.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 17, 1890.)

JOINT Committee of both Houses of Legislature, while strongly protesting against French claim to erect any lobster factory, would, only in deference to wishes of Her Majesty's Government for a *modus vivendi* limited to this season, concur in proposals contained in your Lordship's telegram of 8th February. Can it be accomplished?

No. 197.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 25, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 14th instant, relative to the *modus vivendi* for the regulation of the lobster fisheries in Newfoundland during the approaching season.

I am to state that Lord Salisbury concurs in the terms of the reply which Lord Knutsford proposes to return to the Governor's despatch of the 15th March, inclosing the Resolutions adopted by the Legislative Assembly and Legislative Council upon the subject.

I am, &c.
(Signed) T. H. SANDERSON.

No. 198.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April* 29, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter the 18th instant, inclosing a telegram from the Governor of Newfoundland to the effect that the Joint Committee of both Houses of Legislature were willing to accept under protest, as a *modus vivendi*, the maintenance of the *status quo* without the provision for the establishment of new lobster fisheries on either side.

I am to request you to inform Lord Knutsford that the French Government, to whom the above views of the Newfoundland Legislature were at once communicated, have expressed to Lord Salisbury their regret that they cannot now agree to any formal modification of the *modus vivendi*, as it has been posted up publicly in all the French ports of departure, and the fishing-vessels have already started. They doubt, however, whether any extensive preparations have been made for new lobster fisheries by their fishermen. They would themselves have preferred the *status quo* of the 1st July, 1889, and are quite willing that the Naval Commanders on either side should be instructed to restrict, as far as circumstances will permit, the permission for new lobster fisheries since that date.

I am, &c.
(Signed) T. H. SANDERSON.

No. 199.

Colonial Office to Foreign Office.—(*Received May* 6.)

(A.)

Sir, *Downing Street, May* 5, 1890.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, an extract of the Report on the New-

foundland Blue Book for 1888, which will be found to give some interesting statistics as to the progress of the lobster-canning industry.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 199.

Extract from Reports on Her Majesty's Colonial Possessions.—(Newfoundland.)

Imports and Exports.

THE lobster fishery shows continued expansion. In 1884 the export was valued at 60,000 dollars, in 1888 it is stated at 385,000 dollars, and it is satisfactory to know that Newfoundland brands commanded the highest market price.

No. 200.

Colonial Office to Foreign Office.—(Received May 6.)

(B.)

Sir, *Downing Street, May 5, 1890.*

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram from the Governor of Newfoundland respecting public feeling in the Colony with reference to the proposed arbitration on the lobster fishery question.

I am to add that Lord Knutsford presumes that nothing further will be done with regard to arbitration pending the arrival of Sir William Whiteway, who, as will be seen from the accompanying telegram, may be expected to arrive in England towards the end of this month, or early in June.

I am to inclose the draft of a despatch which Lord Knutsford proposes to address to the Governor on the subject, should Lord Salisbury concur.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 200.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 29, 1890.)

MINISTERS and public feeling against arbitration, as they consider that French have not shadow of any claim for lobster fishery.

Inclosure 2 in No. 200.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received April* 29, 1890.)

HOUSES of Legislature close next month. Whiteway and Delegation from Government can leave soon after.

Delegates that have gone home are not recognized by Colonial Government or Houses of Legislature.

Inclosure 3 in No. 200.

Draft of Despatch to Governor Sir T. O'Brien.

Sir, *Downing Street, May* *, 1890.

I HAVE the honour to acknowledge the receipt of your telegram of the 29th ultimo, reporting that your Ministers and the public feeling in the Colony were against the proposed reference of the lobster fishery question to arbitration.

* Forwarded May 13.

I have communicated your telegram to the Foreign Office, with a suggestion that no further steps be taken with regard to the proposed arbitration pending the arrival of Sir W. Whiteway.

I have, &c.

No. 201.

Colonial Office to Foreign Office.—(*Received May* 8.)

Sir, *Downing Street, May* 8, 1890.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 29th ultimo, in which it is stated that the French Government have expressed their regret that they cannot now agree to any formal modification of the *modus vivendi* relating to lobster factories in Newfoundland, as it has been posted up publicly in all the French ports of departure, and the fishing-vessels have already started.

In these circumstances, Lord Knutsford has addressed a telegram to the Governor in reply to his of the 17th April, expressing regret that the suggested alteration in the *modus vivendi* cannot now be made.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 201.

Lord Knutsford to Governov Sir T. O'Brien.

(Telegraphic.) *Downing Street, May* 2, 1890.

REFERRING to your telegram of 17th April, regret that suggested alteration in *modus vivendi* cannot be now made.

No. 202.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 9.)

My Lord, *Paris, May* 8, 1890.

WITH reference to my despatch of the 26th March, I have the honour to transmit herewith to your Lordship, extracted from the "Matin," an account of an interview with M. Bozérian, a Senator, who declares that he and M. de l'Angle-Beaumanoir adhere to their intention of interpellating the Government on the Newfoundland Fishery question.

M. Bozérian lays stress on an alleged Proclamation by Admiral Cochrane in 1828, in which he contends that the French claim to exclusive rights of fishing is recognized.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 202.

Extract from the "Matin" of May 8, 1890.

AU Sénat, où l'on n'aime que la besogne sérieuse, on interpellera, ces jours-ci, sur les affaires de Terre-Neuve. C'est M. Bozérian, pour la Gauche, M. de l'Angle-Beaumanoir pour la Droite, qui se feront auprès du Gouvernement les interprètes de l'opinion publique—si tant est qu'il y ait une opinion publique, en France, sur la question de la morue et du homard.

Nous avons cru intéressant de demander à M. Bozérain, qui est, on le sait, un juriste consommé, quels arguments il compte apporter à la tribune du Sénat pour affirmer les droits de nos nationaux sur les pêcheries de Terre-Neuve.

L'honorable Sénateur a bien voulu nous donner les explications suivantes:—

Vous savez que l'Amiral Véron a posé, il y a quelque temps, une question au Ministre des Affaires Étrangères sur les affaires de Terre-Neuve. Au cours de la

discussion, deux Sénateurs ont élevé la voix pour demander à transformer la question en interpellation : c'était M. de l'Angle-Beaumanoir et moi.

Le Sénat, pour des motifs devant lesquels je m'incline, a cru devoir ajourner le débat à un mois.

Depuis lors, nous nous sommes demandé, mon collègue et moi, s'il ne convenait pas d'abandonner notre projet d'interpellation. Mais, après réflexion, il nous a semblé qu'il fallait le maintenir.

Les raisons qui nous ont dicté cette ligne de conduite sont les suivantes :—

Proclamation d'un Amiral Anglais.—Lorsque la question fut portée devant le Sénat par l'Amiral Véron, je crus devoir intervenir, parce que j'avais à produire devant l'Assemblée un document que je crois être d'une importance considérable et qui n'était pas connu du Ministre des Affaires Étrangères.

C'est une Proclamation de l'Amiral Cochrane, Gouverneur de Terre-Neuve et Commandant les forces militaires de l'île, à ses administrés, datant du 8 Juin, 1828.

La teneur de cette pièce est la suivante :—

" Attendu que des plaintes ont été faites devant moi depuis plusieurs années, portant que différentes personnes mal intentionnées employées dans les pêcheries Anglaises, en se rendant aux pêcheries du Nord et du Labrador, ont mouillé avec leurs bateaux et schooners dans des ports et havres de cette partie de l'île communément appelée " French Shore," qui est *réservée aux sujets Français,* pour y exercer la pêche, et y ont commis de nombreux méfaits sur la propriété des pêcheurs Français ;

" Moi, Gouverneur, en conséquence, je préviens toutes personnes mal intentionnées qu'en cas de renouvellement de pareils actes de violence, j'appliquerai les procédés les plus rigoureux que la loi permet d'employer contre les auteurs de pareils méfaits, et pour pouvoir plus efficacement les amener devant la justice, les autorités Françaises recevront des instructions pour appréhender et envoyer à Saint-John's, afin d'y être jugée, toute personne qui commettrait de pareils méfaits."

De semblables paroles dans la bouche d'un Représentant autorisé du Gouvernement Britannique jugent la question de droit. *Habemus confitentem reum.* Les conditions, depuis 1828, n'ont pas changé, et il me semblait que cet aveu formel méritait d'être relevé à la tribune du Parlement Français.

L'Opinion en Angleterre.—Le second motif qui nous a fait maintenir notre interpellation, c'est qu'à la suite de la déclaration du Ministre des Affaires Étrangères affirmant nos droits sur les pêcheries de Terre-Neuve, la polémique a continué très vive en Angleterre. Puisque nos voisins continuent à discuter et à contester, il convenait ici de protester et de revendiquer.

J'ai remarqué que dans tous les écrits parus en Angleterre, les droits de la France sont regardés comme fort peu sérieux, ou tout au moins caducs.

Le Gouvernement Anglais, il est vrai, il faut le dire à sa justice, ne semble pas partager tout à fait cette opinion. C'est ainsi que j'ai pu relever tout récemment, dans le compte-rendu donné par le "Matin" de la séance de la Chambre des Communes du 25 Avril, une déclaration de Sir J. Fergusson reconnaissant expressément le bien-fondé de nos revendications sur les pêcheries.

C'est la première fois qu'on voit un Membre du Gouvernement Anglais reconnaître expressément nos droits sur les pêcheries de Terre-Neuve, et déclarer qu'il y a des Traités sur la matière impliquant des obligations formelles.

Déclaration Royale.—Quelles sont ces obligations ?

On nous dit, à bout d'arguments, que les Traités de 1713, de 1873,* de 1783, et de 1844† ne nous concèdent que le droit de pêcher la morue ; sur ce point, on veut bien ne faire aucune difficulté. Mais pour empêcher nos nationaux de se livrer à la pêche lucrative du homard, on a établi la distinction subtile entre ce qui se "fish" et ce qui se "catch," entre ce qui se pêche et ce qui se prend (au casier).

Ceci, franchement, n'est pas sérieux. Le Traité de 1813,† le dernier Traité qui confirme les privilèges que nous tenions des instruments diplomatiques précédents, est rédigé en Français. Il n'y a donc pas à s'inquiéter de la version Anglaise. On dit parfois que les traducteurs sont traîtres. Mais s'il y'a des traîtres en cette affaire, ce sont les traducteurs Anglais qui méritent cette épithète.

On fait observer aussi que nos sujets n'ont pas le droit de pêcher le homard, puisque la chose n'est pas explicitement dite par les Traités. On n'y parle pas davantage de la pêche de la morue. Mais il y a une chose dont on parle très expressément dans les Traités de 1763 et de 1783 : c'est la défense, pour les pêcheurs de nationalité différente, de troubler les pêches des sujets Français. Voilà ce qu'on peut lire, notamment dans le Traité de 1783 :—

* *Qy.* 1763. † *Qy.* 1814.

"*Declaration.*—Le Roi Très Chrétien, d'accord avec Sa Majesté Très Chrétienne, sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution avec le bonne foi et la ponctualité qui lui sont connues, mais, de plus donnera de son côté toute l'efficacité possible aux principes qui empêcheront jusqu'au moindre germe de dispute à l'avenir. A cette fin, et pour que les pêcheurs des deux nations ne fassent point naître de querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la pêche des Français pendant l'exercice temporaire qui leur est accordé sur les côtes de l'Ile de Terre-Neuve."

Suit une Contre-Déclaration identique du Roi de France.

Il n'est pas besoin, comme vous le voyez, d'argumenter et d'épiloguer, il suffit de rappeler nos voisins à l'exécution stricte des Traités qui les lient et qui non seulement établissent formellement nos droits mais qui spécifient pour le Gouvernement Anglais une répression sévère de toute infraction à ces Traités par l'un de ses sujets.

La Pêche sans Distinction.—En résumé, on peut constater que les Traités ne parlent pas, il est vrai, de l'espèce de poisson qu'il sera possible de pêcher. Mais il est une chose sont ils parlent, c'est de l'interdiction qu'il y a pour tout Anglais de troubler les Français dans l'exercice de leur droit de pêche. Et en admettant même que les nationaux Anglais aient la faculté de pêcher le homard sur les emplacements réservés par Traités à nos pêcheurs de morue, comment concilier la chose avec le droit exclusif dont nous bénéficions? Y a-t-il la moindre possibilité pour les Anglais d'établir des casiers pour le homard dans la zone visitée par la morue sans effrayer ce poisson? Ils ne pourraient pêcher le homard qu'en troublant nos nationaux et qu'en les empêchant d'exercer leur droit de pêche formellement reconnu. Dans ces conditions le homard serait perdu pour les uns et les autres. Les Traités qui lient les deux nations doivent être appliqués à la lettre, et ils ne spécifient nullement que nos droits de pêche se bornent exclusivement à la pêche à la morue.

Je crois à peine utile d'ajouter que, en soulevant cette discussion au Senat, je n'ai nullement l'intention de faire acte d'hostilité contre le Gouvernement, je n'ai d'autre intention que de l'inviter à faire respecter nos droits.

No. 203.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 9, 1890.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 5th instant relative to the state of feeling which exists in Newfoundland against the reference of the lobster fishery question to arbitration.

I am to state that Lord Salisbury agrees with Lord Knutsford's view that no further steps should be taken in regard to arbitration pending the arrival in this country of Sir W. Whiteway, and concurs in the terms of the despatch which it is proposed to address to the Governor upon the subject.

I am, &c.

(Signed) T. H. SANDERSON.

No. 204.

Colonial Office to Foreign Office.—(*Received May* 10.)

Sir, *Downing Street, May* 9, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, an extract of a despatch from the Governor of Newfoundland, inclosing copies of Bills dealing with the use of cod-traps.

I am also to inclose a copy of a telegram which has been sent to the Governor, instructing him to reserve both the Bills in question.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 204.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
(Extract.) *April* 14, 1890.

WITH reference to my telegram of the 31st ultimo, and your Lordship's reply thereto of the 2nd instant,* I have now the honour to forward herewith an Act repealing the Act passed in 1888 for the abolition of cod-traps, which has been passed by the House of Assembly, and which, I have no doubt, will be equally sustained by the Legislative Council; and I would solicit an expression of your Lordship's views thereon, requesting that any further instructions you may wish to give in the matter may be sent by cable, as I doubt of time admitting of my receiving a written reply before the closing of the Session.

2. I beg also to inclose a copy of the draft Bill to render the use of cod-traps a subject of local option, which measure has not yet passed the House, but which, I believe, will eventually do so, though possibly in a slightly modified shape.

Inclosure 2 in No. 204.

A Bill.

An Act to repeal an Act passed in the Fifty-first Year of the Reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps."

WHEREAS it is considered expedient to repeal the Act passed in the fifty-first year of the reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps":

Be it therefore enacted by the Governor, the Legislative Council, and Assembly, in Legislative Session convened, as follows:—

1. The Act passed in the fifty-first year of the reign of Her present Majesty, entitled "An Act respecting the Abolition of Cod-Traps," is hereby repealed.

Inclosure 3 in No. 204.

A Bill.

An Act to regulate the Mode of taking Codfish in Traps, Cod-Seines, Cod-Nets, and Bultows.

BE it enacted by] the Governor, the Legislative Council, and Assembly, in Legislative Session convened, as follows:—

1. It shall be lawful for the duly qualified electors resident within any area or district within this Colony to present to the Governor in Council a Petition in the form prescribed by the schedule to this Chapter, or as near thereto as may be, setting forth the limits or boundaries within which such area or district is comprised, and the names of the towns, harbours, or settlements included therein, and praying for a Proclamation prohibiting the taking of codfish in traps, cod-seines cod-nets, and bultows, or by any one or more of such methods.

2. Such Petition shall be sent to the nearest resident Stipendiary Magistrate, and shall be by him (after examination and certificate as hereinafter provided) furnished to the Governor in Council.

3. If upon due scrutiny of such Petition the Stipendiary Magistrate shall find that the same contains the *bonâ fide* signatures of a majority of the duly qualified electors resident within the limits or boundaries set forth in the said Petition or requisition, he shall forthwith make a certificate to that effect, indorsed upon or attached to the Petition, and shall forward the same to the Governor in Council.

4. Any Stipendiary Magistrate to whom such Petition shall be presented may, before certifying the same to the Governor in Council as aforesaid, require proof to be

* Inclosures in No. 191.

made before him of the *bonâ fide* signature of any of the names subscribed to such Petition upon the oath either of the party whose name purports to be signed, or of a witness to such signature.

5. Upon receipt of such Petition, containing the signatures of a majority of the electors resident within any such area or district, certified as aforesaid, the Governor in Council shall issue a Proclamation or public Notice prohibiting the taking of codfish by all, or any one or more, of the methods aforesaid, by any person or persons prosecuting the fishery from or out of such area or district as aforesaid.

6. From and after the date prescribed in and by such Proclamation or Notice, it shall not be lawful for any person or persons to use, in the prosecution of the fishery, from or out of such area or district to which such Proclamation or Notice shall relate, any trap, cod-seine, cod-net, or bultow, if all such appliances be prohibited, as aforesaid, and in case all such appliances be not prohibited, then it shall not be lawful for any person or persons to use as aforesaid any of such appliances as may be prohibited by such Proclamation or Notice, under a penalty not exceeding , or imprisonment not exceeding .

7. After such Proclamation or Notice shall have issued, as aforesaid, no new Petition on the same subject shall be presented from such area or district until the expiration of ten years from the date of such Proclamation or Notice; and, if no such Petition be presented within three months after the expiration of such Proclamation or Notice, the operation of such Proclamation or Notice, with reference to any such area or district, shall be considered as agreed to by the electors of such area or district, and a new Proclamation or Notice shall issue, as of course, containing the provisions of the former Proclamation or Notice, which shall continue in full effect for ten years from the expiration thereof.

8. All fines and penalties under this Act may be sued for and recovered in a summary manner before a Stipendiary Magistrate or a Justice of the Peace, and all fines shall be paid to the person who shall give information of the offence, and prosecute the offender to conviction.

SCHEDULE.

Form of Petition.

To his Excellency the Governor in Council.

The Petition of the Undersigned humbly sheweth:

THAT your petitioners are duly qualified electors, residing in an area or section of the electoral district of , comprised and bounded as follows:—

That the said area or section contains the following towns (or harbours or settlements).

That your petitioners are desirous, and humbly pray your Excellency in Council, that a Proclamation or Notice be issued under the provisions of an Act passed in the fifty-third year of the reign of Her present Majesty, entitled "An Act to regulate the Mode of taking Codfish in Traps, Cod-seines, Cod-nets, and Bultows," prohibiting the use of traps, cod-seines, cod-nets, and bultows (all or any as the case may be) by persons prosecuting the fishery from or out of the above-described area or section of the said district, and petitioners will ever pray.

Dated at the day of , 18 .

Inclosure 4 in No. 204.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, May* 8, 1890, 2·25 P.M.

UNLESS clauses are inserted in the two Bills (cod-traps) sent in your despatch of 14th April both Bills should be reserved.

No. 205.

Foreign Office to Colonial Office.

Sir, *Foreign Office, May* 12, 1890.

I AM directed by the Marquis of Salisbury to transmit to you the accompanying extract from the "Matin" newspaper,* giving an account of an interview with M. Bozérian, a Senator, who intends shortly to bring forward an interpellation in the French Senate on the Newfoundland Fishery question.

Lord Knutsford will observe that M. Bozérian lays stress on an alleged Proclamation by Admiral Cochrane in 1828, which, according to his view, recognizes the French claim to exclusive rights of fishing on the Treaty Shore; and I am to request that, if possible, Lord Salisbury may be furnished with a copy of this Proclamation in the original English text.

I am, &c.
(Signed) T. H. SANDERSON.

No. 206.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, May 13.)

My Lord, *Government House, Ottawa, April* 28, 1890.

WITH reference to my telegraphic message of this day's date,† I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council expressing the wish of my Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland Bait Act.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure in No. 206.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, April 24, 1890.

ON a Memorandum dated the 17th April, 1890, from the Minister of Marine and Fisheries, submitted the following telegram for the information of Council:—

"*St. John's, Newfoundland, April* 24, 1890.

"The Bait Act passed by Legislature last Session has been brought into force by Governor's Proclamation; all vessels entering our ports for bait are subject to pay a licence fee of 1 dollar per ton for each entrance, and are restricted to one barrel bait per registered ton. Will mail copy of Bill.

(Signed) "COLONIAL SECRETARY."

The Committee recommend that your Excellency be moved to telegraph to the Right Honourable the Secretary of State for the Colonies, intimating the desire of your Excellency's Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation referred to.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

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* Inclosure in No. 202.

† Inclosure 12 in No. 207.

No. 207.

Colonial Office to Foreign Office.—(Received May 13.)

Sir, *Downing Street, May 12, 1890.*

WITH reference to the letter from this Department of the 9th ultimo, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of a correspondence respecting the action of the Newfoundland Government in compelling Canadian fishermen to pay for licences under the Bait Act.

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 207.

Governor Sir T. O'Brien to Lord Knutsford.

Government House, St. John's, Newfoundland,
My Lord, *April 10, 1890.*

AS I have already had the honour of reporting by telegraph, the following are the protective measures about to be adopted in regard to the bait fisheries during the coming season:—

(1.) The present Bait Bill to remain on the Statutes unaltered.

(2.) That for this year its operation be, as usual, under Proclamation.

(3.) That no bait be allowed to be exported from the Colony.

(4.) That the Regulations be modified (*vide* copies annexed as per Schedule) so as to include vessels of all nations, which are to be equally allowed to resort to Newfoundland ports for the purchase of bait.

(5.) That they be charged tonnage dues of 1 dollar per ton on each entry into a port or harbour of the island, and that they be permitted to purchase, and take with them, for their own use, one barrel of bait for each ton register.

2. It is therefore hoped that possibly this course, by placing the French on the same footing as other nations, may tend to smooth over existing difficulties, while protecting Colonial interests.

3. The question has formed the subject of the inclosed Resolutions from the Chamber of Commerce, which have been presented to me by a deputation with the request that I would transmit a copy to your Lordship, when I promised these gentlemen that they shall also be brought before my Ministers for their consideration.

I have, &c.
(Signed) T. O'BRIEN.

Inclosure 2 in No. 207.

Schedule of printed Documents inclosed in Despatch of April 10, 1890.

PROCLAMATION enforcing the Bait Act.
Memorandum of Instructions for the regulation of the same.
Licence to haul and sell bait fishes.
Licence to purchase and haul bait fishes.
Affidavit to be made by a Newfoundland fisherman prosecuting the deep-sea fishery.
Affidavit to be made by foreign fishermen.
Bond to be signed by a person taking out a licence.
Licence to foreign vessels to purchase bait fishes.

Inclosure 3 in No. 207.

"The Royal Gazette Extraordinary" of April 3, 1890.

Proclamation.

By his Excellency Sir J. Terence O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-chief in and over the Island of Newfoundland and its Dependencies.

To all to whom these presents shall come, greeting:

WHEREAS an Act was passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes;" and whereas it is provided by the 25th section of the said Act that the said Act "shall come into force at such date as shall be appointed by the Governor, by his Proclamation;"

And whereas the said Act has been in its enactive portions passed in the words following:—

[For the Act, see Inclosure 1 in No. 162 A.]

And whereas it is expedient to notify a day upon which the said Act shall come into operation:

Now, therefore, I, the Governor, do issue this my Proclamation, giving notice to all Her Majesty's liege subjects, and to all whom the said recited Act may concern, that on and after the 8th day of April instant the said Act shall come into operation.

Given under my hand and the Great Seal of the said island, at Government House, in St. John's, this 2nd day of April, A.D. 1890.

By his Excellency's command,

(Signed) R. BOND, *Colonial Secretary.*

Inclosure 4 in No. 207.

Sir, *Colonial Secretary's Office, St. John's, April* 9, 1890.

ON the other side you will find Memorandum of instructions relative to carrying out of the provisions of the Act of 1889 for the regulation and exportation, &c., of bait fishes, which you are requested to carefully peruse and to strictly enforce. I send herewith a supply of blank Forms to be used in connection with this service.

I have, &c.

Instructions for Magistrates, Customs Officers, &c., in relation to enforcement of Bait Act, 1889.

Under Proclamation of the Governor no exportation, or sale, or purchase, or taking of bait fishes of any sort is to be permitted without a licence.

Licences of three sorts will be granted: one, free of charge, to vessels belonging to Newfoundland prosecuting the deep-sea fishery; one to Newfoundland punt fishermen, free of charge, to catch bait for sale to foreign vessels or otherwise; and one for foreign vessels to purchase bait.

In all cases of applications for licences (except Newfoundland punt fishermen who catch for sale to foreign vessels), the party applying must make an affidavit setting forth all the particulars required to be stated in the licence. (See Bait Act, 1889.) This affidavit may be made either by the master of the vessel for which the licence is applied for, or by the owner, or agent of the owner, or on behalf of the master. Blank Forms of these affidavits of each sort are furnished. The affidavits may be made before a Magistrate or a Customs officer.

You will notice that the licences have been signed by the Colonial Secretary, and they must be also signed by the person issuing the licence, either a Customs officer or Magistrate.

A licence fee of 1 dollar per ton is to be paid by vessels of all nations (French, American, and Canadian) entering the harbours of this Colony in quest of bait fishes.

All such foreign vessels shall be restricted to one barrel of bait per ton, and shall be compelled to take out a new licence and pay such licence fee as aforesaid upon each entry into any port of this Colony, besides the ordinary light dues.

A second licence shall not be granted within three weeks from the date of the first licence.

Upon granting a licence to a foreign vessel you shall notify the Customs officers at all the other ports of entry named herein, by telegram or letter, that you granted such licence, stating date of issue, so as to prevent such vessel from obtaining a second licence within the period stated above.

In the case of a foreign vessel taking bait at your port, you will employ officers to see that only the quantity named in licence is taken aboard.

Ports of Entry.

La Manche and Oderin.—Richard McGrath.
Burin.—John Winter.
Lamaline.—C. Pitman.
English Harbour.—Charles Clinton.
Harbour Briton.—Philip Hubert.
Gaultois.—Richard Bradshaw.
Pushthrough.—Henry Camp.
La Poile.—Francis A. Read.
Channel.—Francis Mourant.
Trepassey.—A. Simms.
Salmonier.—John Dakins.
St. Mary's.—J. Harney.
Placentia.—W. G. Bradshaw.
Little Placentia.—T. Freeman.
Presque.—Patrick Sullivan.
Harbour Buffett.—Wm. Hann.
St. Lawrence.—M. Vavasseur
Fortune.—J. Haddon.
Grand Bank.—G. Simms.
Burgeo.—J. C. Cunningham.
Rose Blanche.—R. Furneaux.
Codroy.—J. Gillis.
Black River.—A. Blackader.

Inclosure 5 in No. 207.

Licence to haul, catch, and sell Bait Fishes by Newfoundland Fishermen.

ACCORDING to the provisions of the Act passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes," permission is hereby granted to to haul, cacth, and sell herring, capelin, squid, and other bait fishes, during the present fishing season.

Dated at , this day of , 1890.

(Signed) *of Customs,*
[or Stipendiary Magistrate.]

(Countersigned) ,
Colonial Secretary.

The attention of the holder of this licence is called to the following section of the Act in relation to the Exportation of Bait Fishes (Act 52 Vict., cap. 6):—

"11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, for the purpose of exportation to any person not holding or producing a licence under this Act, shall be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months."

Inclosure 6 in No. 207.

License for Newfoundland Deep-Sea Fishery to purchase, haul, or take Bait Fishes for the prosecution of the Fishery.

ACCORDING to the provisions of the Act passed in the 52nd year of the reign of Her present Majesty, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes," permission is hereby given to , of , of the called the , to purchase herrings, capelin, squid, and other bait fishes, to be taken on board the said vessel, to be used by the master and crew of said vessel for the purpose of prosecuting the cod-fishery during the present fishing season, in such quantities only as shall be sufficient for the *bonâ fide* use of the master and crew of the said vessel in the prosecution of said fishery and no more, and not to be sold, transferred to any other ship or vessel, exported to any foreign country, or used for any purpose whatsoever other than the above set forth.

Dated at , this day of , 1890.

(Signed) *of Customs,*
[*or Stipendiary Magistrate.*]

(Countersigned) R. Bond, *Colonial Secretary.*

The attention of the holder of this licence is called to the following sections of the Act in relation to the exportation of bait fishes (Act 52 Vict., cap. 6) :—

"6. Applications for licences under this Act shall be made to a Stipendiary Magistrate or a Customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section 5, to be set forth in the licence; and it shall be the duty of the said Stipendiary Magistrate or Customs officer to report to the Governor in Council any refusal on the part of the applicant to make such affidavit, or any *bonâ fide* doubt on the part of such Stipendiary Magistrate or Customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such licence is applied for for the purpose of evading or defeating, or assisting in evading or defeating, the provisions of this Act. In such case it shall be the duty of such Stipendiary Magistrate or other officer to withhold such licence and await further instructions.

"8. The Forms of the licences, affidavits, and bonds above provided shall be prescribed by the Governor in Council.

"9. Any person who shall violate any of the provisions of section 1 of this Act, or any of the sub-sections thereof; or

"(1.) Use, dispose of, or deal with any bait fishes, otherwise than in accordance with the terms of the affidavit made upon application for a licence, or with the terms of such licence; or

"(2.) Make any untrue statement in any affidavit upon application for a licence under this Act; or

"(3.) Obtain a licence under this Act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every first offence to a penalty not exceeding 1,000 dollars, or imprisonment for a period not exceeding twelve months.

"(4.) Any person convicted of a second or subsequent offence under this Act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months.

"10. In addition to the punishment prescribed by the foregoing section, the convicting Magistrate may order the confiscation and sale of the herring, capelin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this Act, or the terms of any licence thereunder, or of the boat or vessel on board of which such bait fishes shall be found to be unlawfully shipped, conveyed, or exported, and the forfeiture of any licence held by the offender.

"11. Any person who shall sell any herring, capelin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a licence under this Act, shall

be liable to a fine not exceeding 500 dollars, or to imprisonment not exceeding three months."

Inclosure 7 in No. 207.

Affidavit to be made by Newfoundland Fishermen prosecuting Deep-Sea Fishery.

Newfoundland, to wit.

I, , of make oath and say that I am master of the called the , that I am desirous of obtaining a licence to bait, to be used on board the said vessel by the master and crew thereof, in prosecuting the deep-sea fishery, during the present season.

Sworn before me, at , this day of , 1890.

Inclosure 8 in No. 207.

Affidavit to be made by Foreign Fishermen.

Newfoundland, to wit.

I, , of , make oath and say that I am desirous of obtaining a licence to purchase bait, to be used on board my vessel, in prosecuting the Bank fishery, during the present season.

Sworn before me at , this day of , 1890.

Inclosure 9 in No. 207.

KNOW all men by these presents that we (*b*)

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are held and firmly bound to the Honourable Richard O'Dwyer, Receiver-General of the Island of Newfoundland, severally in the sum of 1,000 dollars each, to be paid to the said Richard O'Dwyer, his executors and administrators, for which payment to be well and truly made we severally bind ourselves, and each of us, our and each of our executors and administrators, firmly by these presents.

Dated this day of , 1890.

The condition of this obligation is such that if the said (*a*)

(*a*) H
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name
person
whom
licence
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shall, in all respects, comply with the terms of the licence number , granted to him, dated the day of , 1890, and in all respects conform to the provisions of Act 52 Victoria, entitled "An Act to amend and consolidate the Laws relating to the Exportation and Sale of Bait Fishes;" then this obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered in presence of

Inclosure 10 in No. 207.

Licence to Fishing Vessels to purchase Bait Fishes.

No. 1996.

(*a*)_____ of the fishing-vessel (*b*) _____ _____ tons register of (*c*)_____ having paid to the undersigned (*d*)_____ at the port of (*e*)_____ the sum of (*f*)_____ dollars, the privilege is hereby granted to said vessel to enter the bays and harbours of Newfoundland for the purchase of (*g*) _____ barrels of bait fishes, and such quantity of ice, lines, and other supplies as may be required.

(*a*) Name of master.

(*b*) Name of vessel and tonnage.

(*c*) Name of port of registry of vessel.

(*d*) "Customs officer" or "Stipendiary Magistrate," as the case may be.

(*e*) Name of port where the licence is granted.

(*f*) Number of dollars corresponding to number of tons of vessel.

(*g*) Same number as as tonnage of vessel.

Dated this _____ day of _____, 1890.

*Customs Officer or Magistrate at the Port of*_____

Colonial Secretary.

N.B.—This Licence is to be delivered to the Customs officer, constable, or officer engaged in the bait protection service. Upon the receipt of the said barrels of bait fishes on board the said vessel, such officer shall mark "Cancelled" upon it, and the date of the receipt of said bait fishes.

Inclosure 11 in No. 207.

Resolutions passed at a Meeting of the Commercial Society, April 8, 1890.

Resolved,—That the Commercial Society, having learnt that it has been proposed during the present Session of the Legislature to modify the recent legislation in relation to the supply of bait to foreigners by the adoption of a system of licences to enter the ports of the Colony and obtain supplies of bait in consideration of a tonnage rate or tax, desires to express its conviction that the magnitude of the consequences involved in such a proposal calls for the earnest and urgent consideration of this body.

Resolved,—That the policy embodied in the measures known as the Bait Acts, namely, the absolute prohibition of the supply of bait to the French, whose competition against us in foreign markets, assisted by large bounties from their national Treasury, threatened the destruction of our fish trade in those markets, and disaster to the general interests of the Colony, was, after the most mature and earnest deliberation, adopted by this body, and the entire commercial community, as the only effective means of self-preservation within our reach.

Resolved,—That the Colony having been successful in obtaining the assent of the Imperial Government to a measure attended with considerable international difficulties, and the experience of the working of the measure having been such as to demonstrate the wisdom of the policy which led to its enactment, that under the proposed modifications the French will at a trifling cost be again enabled to obtain unlimited supplies of bait, and to continue their bounty-fed competition against us upon an increasing scale, and that a return to the former condition of things with all its dreaded consequences is inevitable, this body is of opinion therefore that no sufficient reason can be shown for a reversal of that policy.

Resolved,—That for these reasons this body considers it to be its duty, with a view to the preservation of the general interests of the Colony, to make its most earnest and emphatic protest against the contemplated legislation, and to adopt such course as upon further consideration may be deemed desirable for the prevention of the threatened calamity.

Resolved,—That it is the firm belief of this meeting that if the proposed change is made that the Labrador fishery supplies for the ensuing season will be materially restricted, and that, consequently, considerable suffering will result to many of the fishermen of the Colony who are depending on that branch of the fishery.

Resolved,—That the Chamber of Commerce wait on his Excellency the Governor, and present the foregoing Resolutions.

Inclosure 12 in No. 207.

Lord Stanley of Preston to Lord Knutsford.

(Telegraphic.) (*Received April* 28, 1890.)

MINISTERS ask me to present to Imperial Government their remonstrance against restrictions on Canadian ships by Newfoundland Bait Act recently brought into force by the Proclamation of the Governor.

Inclosure 13 in No. 207.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, April* 30, 1890.

CANADIAN Government protests against Bait Act just brought into operation by Governor's Proclamation. What Act is this? Does it contain new provisions? Have you sent it home?

Inclosure 14 in No. 207.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received May* 1, 1890.)

REFERRING to your telegram of to-day, Proclamation issued under Act of 1889. Full particulars given in my despatch of 10th April.

Inclosure 15 in No. 207.

Lord Knutsford to Lord Stanley of Preston.

(Telegraphic.) *Downing Street, May* 8, 1890.

I HAVE received Newfoundland Proclamation. Bait Act. I do not perceive that it is *ultra vires*. Your Ministers have no doubt made representations to Newfoundland direct.

No. 208.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 16.)

My Lord, *Paris, May* 15, 1890.

I HAVE the honour to transmit herewith to your Lordship, extracted from the "Matin" newspaper of to-day, an article from the pen of M. Lemoinne on the subject of the Newfoundland Fishery question, in which the writer attributes the dead-lock at which the negotiations have arrived to the excessive freedom of action granted by England to her Colonies, and strongly urges that there should be no further delay in settling the question, either by Treaty or arbitration.

I have, &c.
(Signed) LYTTON.

Inclosure in No. 208.

Extract from the "Matin" of May 15, 1890.

TERRE-NEUVE.—Si nous croyons devoir nous occuper de cette question spéciale, c'est qu'elle est à l'ordre du jour des Chambres, qu'elle est actuellement l'objet de négociations difficiles, et qu'elle pourrait prendre, dans nos relations internationales, plus d'importance qu'on ne le voudrait des deux côtés.

Deux grands pays sérieux comme la France et l'Angleterre n'ont sans doute pas l'intention de se quereller à propos de morues et de homards. Le prétexte serait ridicule, et il faudrait chercher une autre raison. Mais il y a dans la vie des nations,

comme dans celle des individus, ce qu'on appelle les Petites Misères. C'est peu de chose, mais c'est agaçant. Au lieu de se battre, on se gratte.

Nous sommes convaincus que le Gouvernement Anglais est beaucoup plus ennuyé que le nôtre de cette querelle de mur mitoyen, parce qu'il n'a pas, comme nous, sa liberté d'action. L'impasse dans laquelle il se trouve vient de l'excès de libre arbitre qu'il laisse à ses Colonies, et qui les rend, en fait, absolument indépendantes de la métropole et du Gouvernement central. Cette indépendance est déjà très gênante dans les relations de la métropole avec ses Colonies, mais elle l'est encore plus dans les relations du Gouvernement central avec les Gouvernements étrangers, comme dans le cas actuel.

L'école libérale Anglaise s'est toujours fait gloire de faire dans le monde l'éducation de populations libres. Elle considère que la mission de l'Angleterre est d'enseigner à ses sujets de toutes les parties du monde l'usage de la liberté, et de les préparer au Gouvernement d'eux-mêmes. C'est ainsi que se sont fondés les États-Unis d'Amérique, au prix d'une grande guerre. C'est ainsi que s'organisent aujourd'hui les grandes Colonies, comme l'Australie, la Nouvelle-Zélande, le Canada, le Cap et bien d'autres. Elles restent liées à la métropole par la nomination d'un Gouverneur, mais elles ont des Parlements indépendants et possèdent toute la transplantation des institutions de la mère-patrie.

C'est avec ce système qu'on arrivera un jour à la fédération de la Grande-Bretagne Européenne avec ses innombrables dépendances dans l'univers entier. Mais c'est une affaire qui ne regarde que Angleterre, et les Gouvernements étrangers, dans leurs relations internationales, ne connaissent et ne peuvent connaître que le Gouvernement Anglais.

Or, dans le cas actuel, le Gouvernement Français et le Gouvernement Anglais avaient conclu une dernière Convention sur les droits respectifs de pêche des deux nations. Mais c'est le petit Parlement de Terre-Neuve qui n'a pas voulu l'accepter. Car, s'il y a des Juges à Berlin, il y a une Chambre à Terre-Neuve, une Chambre élective de trente six membres, renouvelable tous les quatre ans.

Est-ce que cela nous regarde ? Est-ce que nous connaissons la Chambre de Terre-Neuve ? Est-ce que c'est avec elle que la France a conclu le Traité d'Utrecht, en 1713 ? Nous ne connaissons que le Gouvernement de Sa Majesté la Reine Victoria, et c'est à lui de faire honneur à sa signature. Que dirait l'Angleterre si, pour ne pas reconnaître un Traité, nous lui présentions l'opposition du Conseil Municipal de Paris ?

Le Gouvernement Anglais, on doit lui rendre cette justice, comprend très bien ces difficultés ; il ne cherche pas à contester ou à éluder les anciens Traités, mais il se trouve très embarrassé par l'excès d'indépendance qu'il a laissé prendre à ses Colonies. Des deux côtés, avec la meilleure volonté du monde, et avec le sentiment du ridicule qu'il y aurait à se brouiller pour une contestation de cet ordre, on cherche à négocier, et on conclut des arrangements provisoires en attendant une solution.

Ainsi il a été convenu que, pour l'année courante, on laisserait les choses en l'état ; on verra pour l'année prochaine. C'est ce qu'on appelle un *modus vivendi*. Mais cela ne peut pas se perpétuer.

Sans entrer dans tous les détails de la question, nous rappellerons que par le Traité d'Utrecht, qui donnait à l'Angleterre la souveraineté de l'Ile de Terre-Neuve, une certaine portion du littoral était réservée à la pêche Française. C'était un droit exclusif, qui a toujours été reconnu, et toujours été exercé, quoiqu'avec certaines difficultés. Le proverbe a raison : " Qui terre a, guerre a." Rien n'est plus scabreux que ce genre de privilège. Ce n'est pas la propriété, c'est la jouissance d'une servitude. C'est le droit donné à une nation étrangère de se servir d'une portion de territoire dépendant d'une autre souveraineté. C'est une source perpétuelle de conflits. Mais les Traités sont là, et il faut, de part et d'autre, tâcher de s'en accommoder. Les Terre-Neuviens Anglais crient de toutes leurs forces ; ils disent que les Traités sont caducs, que ce qui a été signé en 1713 n'est qu'un anachronisme. Nous serions assez de cet avis, mais ce serait, pour des Gouvernements, une doctrine trop commode, et une fois entré dans cette voie, nous ne voyons pas où on s'arrêterait.

Si, par exemple, les Anglais voulaient prétendre que le Traité d'Utrecht, parce qu'il a l'âge respectable de 171 ans, n'est plus que lettre morte, on pourrait rafraichir leurs souvenirs et leur faire remarquer que c'est ce même Traité qui leur a confirmé la souveraineté de Gibraltar. Si, dans une école primaire, on demandait à un enfant dans quel pays est situé Gibraltar, il ne répondrait pas que c'est en Angleterre. Il faut donc s'arranger autant que possible pour vivre avec les Traités, si l'on ne veut pas vivre à l'état sauvage.

L'arrangement convenu entre les deux Gouvernements n'est valable que pour cette année ; il consacre le *statu quo*. On sait que la pêche principale de Terre-Neuve est la morue. Or, il paraît que la morue, comme les jolies femmes, a des caprices. Elle est quelquefois sortie, comme Mme. Benoiton ; elle découche. Dans ces dernières années, elle était allée se promener on ne sait pas où, et les Terre-Neuviens Français ne l'avaient plus retrouvée. Puis elle est revenue, on ne sait pas d'où ; elle n'a pas voulu le dire.

Pendant sa fugue, les pêcheurs Normands et Bretons s'étaient consolés avec le homard ; ils avaient établi des pêcheries de homards et s'étaient faits conservateurs. Mais alors sont intervenus, sur le rivage Français, les pêcheurs de la Colonie Anglaise, qui ont fait des établissements concurrents. Dire que ce ne sont pas les Normands qui ont fait la première chicane !

Les Anglais, du moins ceux de Terre-Neuve, ont inventé une querelle grammaticale. Ils ont prétendu que les Traités ne réservaient aux Français que la pêche du poisson, et que le homard n'était pas un poisson. Ni le Gouvernement Français ni le Gouvernement Anglais ne se donnent le ridicule de prendre au sérieux cette plaisanterie. Tous deux considèrent que la pêche consiste à prendre ce qui habite l'eau. Mais l'Académie de Terre-Neuve tient pour son interprétation, et le grand Parlement de Terre-Neuve menace de s'annexer aux États-Unis qui n'en veulent pas.

On disait autrefois que les dictionnaires désignaient l'écrevisse comme petit poisson rouge marchant à reculons, et qu'un homme de science rectifia cette définition en disant que l'écrevisse n'était pas un poisson, n'était pas rouge, et ne marchait pas à reculons. Le bon Jules Janin, qui n'avait vu un homard que sur la table, l'avait aussi appelé le cardinal des mers. Il aurait de quoi rougir, en effet, ce crustacé, s'il donnait lieu à une rupture entre deux grandes nations.

Nous disons que la Convention provisoire actuelle ne vaut que pour une saison, et nous ne savons où en sont les négociations. Mais il est temps qu'on s'arrange à l'amiable, soit par Traité, soit par arbitrage. Les pêcheurs de Terre-Neuve, Anglais et Français, sont les uns près des autres, et on connaît les haines féroces qu'engendrent les rivalités de voisinage et de bonne place des pêcheurs à la ligne sous les arches de nos ponts.

Il doit y avoir une prochaine interpellation au Sénat sur cette affaire. Nous verrons si le Gouvernement est en mesure de donner quelques explications ou quelques assurances. Nous croyons bien qu'il ne peut avoir à nous donner que l'antique formule : "Nous négocions."

(Signé) JOHN LEMOINNE.

No. 209.

The Earl of Lytton to the Marquis of Salisbury.—(*Received May* 19.)

My Lord, *Paris, May* 17, 1890.

WITH reference to my despatch of the 8th instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, a report of the interpellation in the Senate on the subject of the Newfoundland fisheries.

M. Bozérian went over the whole ground, and contended that the French claims had been fully recognized in the past by the British authorities in Newfoundland themselves, as was proved, for instance, by the Proclamations of Sir Charles Hamilton and Admiral Cochrane in 1822 and 1828.

He was followed by the Marquis de l'Angle-Beaumanoir, who dwelt on the importance of the interests involved in the question, and by the Minister for Foreign Affairs, who replied that the French Government were fully convinced of the justice of the French contention, but that the question had become very complicated, rendering necessary the conclusion of a *modus vivendi* for this year, in which the rights of both parties were reserved for future discussion. M. Ribot bore testimony to the correct attitude taken up by Her Majesty's Government in dealing with the subject, and pointed out that in Newfoundland the *modus vivendi* was extremely unpopular, while England, and not France, was there held to have got the worst of the settlement.

The discussion terminated with the acceptance of an order of the day approving the declarations of the Government and expressing confidence in their future action.

I have, &c.

(Signed) LYTTON.

Inclosure in No. 209.

Extract from the "Journal Officiel" of May 17, 1890.

Interpellation sur les Pêcheries de Terre-Neuve.

M. le Président.—L'ordre du jour appelle la discussion de l'interpellation de MM. le Marquis de l'Angle-Beaumanoir et Bozérian relative aux pêcheries de Terre-Neuve.

La parole est à M. Bozérian.

M. Bozérian.—Messieurs, vous n'avez certainement pas perdu le souvenir du débat qui s'est engagé dans cette enceinte, à la séance du 25 Mars dernier, à propos de la question posée à M. le Ministre des Affaires Étrangères par notre honorable collègue, M. l'Amiral Véron, et qui était relative aux droits de la France sur les pêcheries de Terre-Neuve.

Ce débat ne portant que sur une question, nul autre que l'auteur de la question ne pouvait y prendre part.

Au cours et vers la fin de la réponse faite à notre honorable collègue par M. le Ministre des Affaires Étrangères, deux interruptions partirent, presque en même temps, de deux côtés opposés de cette Assemblée. J'étais l'un des interrupteurs. L'autre était l'honorable Marquis de l'Angle-Beaumanoir.

C'est assez vous dire, Messieurs, que, comme la question, l'interpellation n'avait et ne pouvait avoir aucune portée politique. Mais, nous étions, l'un et l'autre, mus par un même sentiment, en voulant transformer en interpellation une question qui, comme je le disais, ne pouvait aboutir à aucun ordre du jour.

A la suite d'une observation faite par notre honorable Président sur les inconvénients possibles d'une transformation aussi brusque, le Sénat a ordonné le renvoi de l'interpellation à un mois.

Ce délai, Messieurs, est expiré depuis longtemps, si bien qu'à la reprise des travaux Parlementaires, nous nous sommes demandé, l'honorable M. de l'Angle-Beaumanoir et moi, s'il convenait de maintenir l'interpellation.

Après réflexion, nous avons pensé qu'il convenait de la maintenir, attendu que, suivant nous, elle n'a rien perdu de son importance ni de son actualité. (Très bien! au Centre).

M. Audren de Kerdrel.—Malheureusement!

M. Bozérian.—Nous avons observé qu'en dépit de l'argumentation si concluante de M le Ministre des Affaires Étrangères, la polémique n'avait pas cessé de l'autre côté du détroit, qu'elle était demeurée presque aussi vive, presque aussi ardente, qu'elle avait eu de nouveaux échos dans les Chambres; nous avons remarqué que certains organes des plus importants de la presse Anglaise avaient continué la campagne par eux entreprise; que pour eux, ce qui nous avait paru, comme à vous-même, si clair, avait continué à demeurer obscur; qu'enfin la voix de l honorable M. Ribot n'avait été ni mieux entendue, ni mieux écoutée—j'espère qu'il en sera autrement dans l'avenir—que ne l'avait été celle de ses honorables prédécesseurs MM. Flourens, Goblet, et Spuller.

Dans cette situation, nous avons pensé qu'il etait bon que la voix du Parlement Français se fît entendre une fois de plus; nous avons cru qu'à la persistance des dénégations il convenait de répondre par la persistance des affirmations. (Très bien! très bien!)

Quand je parle d'affirmations, il est bien entendu, Messieurs, que je ne parle pas d'affirmations en l'air. . . . (C'est cela! au Centre). Je parle d'affirmations reposant sur des faits, sur des documents que je vous ferai connaître tout à l'heure, et dont vous pourrez apprécier la valeur.

Quant aux dénégations, je ne sais si je m'abuse, mais il me semble—c'est une constatation que j'ai faite avec plaisir—que depuis quelque temps elles se formulent dans des termes un peu moins absolus.

Au début, quand on parlait des droits de la France sur les pêcheries de Terre-Neuve, certains contradicteurs haussaient les épaules; le dédain était leur seule réponse.

Aujourd'hui cette attitude s'est modifiée; on semble reconnaître enfin que ces droits si longtemps contestés, si longtemps déniés, ne sont pas une vaine apparence; on n'en discute plus le principe, on se borne à en discuter l'étendue: c'est un grand pas

de fait; pour ma part je m'en félicite grandement. (Assentiment.) C'est ainsi que dans les derniers jours d'Avril, une dépêche Anglaise, reproduite dans plusieurs journaux Français, faisait savoir qu'à la Chambre des Communes, à une question posée à un Représentant du Gouvernement par l'un des Membres de cette Chambre, au sujet des réclamations des habitants de Terre-Neuve à propos de ce *modus vivendi*, dont j'aurai occasion de vous parler tout à l'heure, Sir Fergusson avait répondu que le Cabinet Anglais examinerait avec le plus grand soin,—veuillez bien remarquer la nuance—non pas toutes les représentations faites par les Terre-Neuviens, mais seulement celles qui ne seraient pas incompatibles avec les obligations de l'Angleterre et de la Colonie en vertu des Traités. Nous n'avions pas encore entendu ce language; je suis heureux d'avoir pu l'entendre aujourd'hui.

Il existe donc des Traités; de ces Traités résultant des obligations, et ces obligations s'imposent à la Colonie aussi bien qu'à la mère patrie puisque la première, ne pouvant exciper d'un droit personnel, ne saurait avoir plus de droits que la seconde.

Quels sont ces Traités? Quelles sont ces obligations? C'est ce que je me propose d'examiner.

Je crois, Messieurs, que mon examen doit être complet, et, pour l'être, il doit nécessairement porter sur trois périodes successives: d'abord, la période du passé, c'est-à-dire la période antérieure au *modus vivendi*, dont nous aurons l'occasion de nous occuper; ensuite la période du présent: c'est la période qui s'écoulera depuis la mise en vigueur de ce *modus vivendi* jusqu'au jour où il prendra fin; la troisième période enfin, c'est celle qui appartient à tous: la période de l'avenir.

Les Traités conclus entre la France et l'Angleterre, au sujet de la pêche sur les côtes de Terre-Neuve, sont au nombre de quatre:

1. Sous Louis XIV, le Traité d'Utrecht du 11 Avril, 1713, qui fut, vous le savez, le douloureux épilogue du drame qui a pour titre "la guerre de la succession d'Espagne;" c'est ce Traité qui a donné à l'Angleterre, au détriment de la France, la souveraineté de l'Ile de Terre-Neuve;

2. Sous Louis XV, le Traité de Paix conclu à Paris le 10 Février, 1763, entre l'Espagne, la France, et la Grande-Bretagne, à la suite de la Guerre de Sept Ans;

3. Sous Louis XVI, le Traité de Paix conclu à Versailles, avec cette dernière Puissance la Grande-Bretagne, le 3 Septembre, 1783;

4. Sous la Restauration, enfin, le Traité de Paix conclu à Paris, le 30 Mai, 1814, entre Louis XVIII et les Puissances Alliées.

Messieurs, je vais remettre sous vos yeux les termes exacts de ces Traités; cela est indispensable. Vous me permettrez de vous dire que cette exactitude est d'autant plus facile que ces Traités, il est bon d'en faire la remarque, sont tous rédigés en Français, dans la langue diplomatique, et que, par conséquent, certaines infidélités de traduction, certaines trahisons de traducteur ne sont pas à redouter.

Voici le premier de ces Traites, le Traité d'Utrecht, du 11 Avril, 1713. L'Article intéressant, c'est l'Article XIII; il est conçu en ces termes:—

"Article XIII. L'Isle de Terre-Neuve avec les isles adjacentes appartiendra désormais et absolument à la Grande-Bretagne et à cette fin, le Roi Très Chrétien fera remettre à ceux qui se trouveront à ce commis en ce pays là, dans l'espace de sept mois, à compter du jour de l'échange des ratifications de ce Traité, ou plus tôt, si faire se peut, la ville et le fort de Plaisance et autres lieux que les Français pourraient encore posséder dans la dite isle, sans que le dit Roi Très Chrétien, ses héritiers et successeurs ou quelques-uns de ses sujets puissent désormais prétendre quoi que ce soit, et en quelque temps que ce soit, sur la dite isle et les isles adjacentes en tout ou en partie."

Voilà la dure concession; voici la maigre compensation:

"Il ne leur sera pas permis non plus d'y fortifier aucun lieu, ni d'y établir aucune habitation en façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni d'aborder dans la dite isle dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson. Dans la dite isle, il en sera pas permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie que depuis le lieu appelé Cap de Bonavista jusqu'à l'extrémité septentrionale de la dite isle, et de là, en suivant la partie occidentale jusqu'au lieu appelé Pointe Riche."

Comme vous le voyez, Messieurs, ce Traité, en même temps qu'il contient des défenses, octroie des permissions:—

1. Défense d'établir aucune habitation sur la côte de Terre-Neuve;

2. Permission d'établir sur ces côtes des échafauds ou chaufauds—ces mots désignent le même objet—et les cabanes nécessaires pour sécher le poisson;

3. Défense d'aborder dans l'île dans d'autre temps que celui propre à la pêche et nécessaire pour sécher le poisson ; c'est la saison qui s'étend du mois d'Avril au mois d'Octobre ;

4. Permission de pêcher et de sécher le poisson d'une façon générale, sans spécification, sans restriction.

C'est cette partie de côtes grevée d'une servitude au profit de la France qui est désignée sous le nom de "French Shore."

Les Français ont donc la permission de pêcher, sans restriction, d'une façon absolue. Mais pêcher quoi ? Quelle est la nature de ce droit ? Est-ce un droit qui est commun à la France et à d'autres, ou bien est-ce un droit exclusif ?

Je dois reconnaître que le mot "exclusif" n'est pas écrit dans le Traité de 1713 ; mais si quelque doute pouvait exister sur l'étendue du droit concédé, vous allez voir, après la lecture du Traité de 1763, qu'on laisse trop facilement de côté, et après celle des Traités de 1783 et de 1814, qu'aucun doute n'est possible.

Voici comment est conçu le Traité que je viens de rappeler à vos souvenirs et qui a été conclu le 10 Février, 1763, entre la France, l'Espagne, et la Grande-Bretagne. Je lis les Articles V et XVIII :—

"Article V. Les sujets de la France auront la liberté de la pêche et de la sécherie sur une partie des côtes de l'Ile de Terre-Neuve, telle qu'elle est spécifiée par l'Article XIII du Traité d'Utrecht, lequel Article est renouvelé et confirmé par le présent Traité, à l'exception de ce qui regarde l'Ile du Cap Breton.

"Article XVIII. Sa Majesté Catholique (le Roi d'Espagne, Charles III), se désiste tant pour elle que pour ses successeurs de toute prétention qu'elle peut avoir formée en faveur des Quipuzcoans (habitants de la Province Basque de Quipuzca) et autres sujets du droit de pêcher aux environs de l'Ile de Terre-Neuve."

Vous remarquerez deux choses importantes dans ce Traité, c'est d'une part le remplacement des mots "permission de pêche," par les mots "liberté de pêche," qui sont infiniment plus énergiques ; c'est ensuite la renonciation par l'une des Parties Contractantes aux droits que pouvaient avoir certains de ses sujets d'exercer la pêche sur les côtes de Terre-Neuve. On se demande pourquoi cette renonciation, si le droit concédé à la France par le Traité de 1713 n'était pas un droit exclusif.

Avez-vous encore des incertitudes ? Je puis mettre sous vos yeux de nouveaux documents. C'est d'abord le Traité du 3 Septembre, 1783.

Il est conçu dans les termes que je vais vous rappeler, et j'ajoute tout de suite que, par des motifs que j'aurai l'honneur de vous faire connaître, il est complété par des Déclarations qui, bien que séparées, font évidemment corps avec lui, exactement comme un Protocole fait corps avec le Traité dont il n'est qu'une annexe.

Voici comment sont conçus le Traité de 1783 et les Déclarations qui l'accompagnent :—

"Article V. Sa Majesté le Roi Très Chrétien (le Roi de France), pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations Française et Anglaise, consent à renoncer au droit de pêche qui lui appartient en vertu de l'Article XIII susmentionné du Traité d'Utrecht depuis le Cap Bonavista jusqu'au Cap Saint-Jean, situé sur la côte orientale de Terre-Neuve, et par les 50 degrés de latitude septentrionale ; et Sa Majesté le Roi de la Grande-Bretagne consent, de son côté, que la pêche assignée aux sujets de Sa Majesté Très Chrétienne commençant au dit Cap Saint-Jean, passant par le nord et descendant par la côte occidentale de l'Isle de Terre-Neuve, s'étende jusqu'à l'endroit appelé Cap-Raze, situé au 47° 50′ de latitude.

"Les pêcheurs Français jouiront de la pêche qui leur est assignée par le présent Article, comme ils ont eu le droit de jouir de celle qui leur est assignée par le Traité d'Utrecht."

Vous allez voir tout à l'heure, dans les Déclarations, le commentaire de cet Article, si tant est qu'il soit besoin d'un commentaire, quand nous voyons les deux Parties Contractantes renoncer de part et d'autre à l'exercice du droit de pêche sur la partie qui ne leur est pas réservée.

Écoutez la Déclaration Anglaise :—

"Le Roi étant entièrement d'accord avec Sa Majesté Très Chrétienne sur les Articles du Traité Définitif, cherchera tous les moyens qui pourront non seulement en assurer l'exécution avec la bonne foi et la ponctualité qui lui sont connues, mais de plus donnera de son côté toute l'efficacité possible aux principes qui empêcheront jusqu'au moindre germe de dispute à l'avenir.

"A cette fin et pour que les pêcheurs des deux nations ne fassent point naître des querelles journalières, Sa Majesté Britannique prendra les mesures les plus positives pour prévenir que ses sujets ne troublent en aucune manière, par leur concurrence, la

pêche des Français, pendant l'exercice temporaire qui leur est accordé, sur les côtes de l'Ile de Terre-Neuve ; et elle fera retirer, à cet effet, les établissements sédentaires qui y seront formés. Sa Majesté Britannique donnera des ordres pour que les pêcheurs Français ne soient pas gênés dans la coupe des bois nécessaires pour la réparation de leurs échaffaudages, cabanes, et bâtiments de pêche.

" L'Article XIII du Traité d'Utrecht, et la méthode de faire la pêche qui a été de tout temps reconnue, sera le modèle sur lequel la pêche s'y fera ; on n'y contreviendra pas, ni d'une part, ni de l'autre ; les pêcheurs Français ne bâtissant rien que leurs échaffaudages, se bornant à réparer leurs bâtiments de pêche et n'y hivernant point, les sujets de Sa Majesté Britannique de leur part ne molestant aucunement les pêcheurs Français durant leurs pêches, ni ne dérangeant leurs échaffaudages durant leur absence."

Il faut avouer que cette fois encore le mot exclusif n'a pas été prononcé dans le Traité ; mais les explications qui sont données dans la Déclaration que je viens de lire sont le large équivalent de ce mot.

Voici maintenant la Contre-Déclaration Française :—

" Les principes qui ont dirigé le Roi dans tout le cours des négociations qui ont précédé le rétablissement de la paix, ont dû convaincre le Roi de la Grande-Bretagne que Sa Majesté n'a eu d'autre but que de la rendre solide et durable en prévenant autant qu'il est possible dans les quatre parties du monde tout sujet de discussion et de querelle. Le Roi de la Grande-Bretagne met indubitablement trop de confiance dans la droiture des instructions de Sa Majesté pour ne pas se reposer sur l'attention constante qu'elle aura d'empêcher que les îles de Saint-Pierre et Miquelon ne deviennent un objet de jalousie entre les deux nations.

" Quant à la pêche sur les côtes de Terre-Neuve qui a été l'objet des nouveaux arrangements dont les deux Souverains sont convenus sur cette matière, elle est suffisamment exprimée par l'Article V du Traité de Paix signé aujourd'hui, et par la Déclaration remise également aujourd'hui par l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, et Sa Majesté déclare qu'elle est pleinement satisfaite à cet égard."

J'avoue, Messieurs, qu'après la lecture de ce Traité il me semble vraiment difficile de conserver la moindre hésitation sur l'étendue et sur la portée de celui de 1713. Et maintenant, pourquoi cette Déclaration et cette Contre-Déclaration sont-elles simplement annexées au Traité ? Pourquoi ne forment-elles pas avec ce dernier un tout indivisible ?

Voici, Messieurs, une explication que je trouve dans un opuscule intitulé : " Les Pêcheries de Terre-Neuve. Droits de la France exposés en réponse aux Assertions de l'Institut Colonial," et imprimé à Québec à l'imprimerie de " l'Événement," en 1876. Cette explication de la confusion des Déclarations est rapportée dans un ouvrage publié en France en 1886 par M. Henri de la Chaume, et qui a pour titre : " Terre-Neuve et les Terre-Neuviens," aux pages 116 et suivantes :—

" Le Traité de 1783 ne fut pas conclu par les deux Puissances dans les mêmes conditions que celui de 1763. La France avait pris sur sa rivale une brillante revanche et brisé son empire colonial, en formant une République de ses plus importantes et de ses plus riches Colonies. Au lieu d'imposer la paix, l'Angleterre la demandait comme une grâce, et s'estimait heureuse de conserver en Amérique un lambeau de ses anciennes possessions. On s'étonna généralement que la France ne profitât pas de ses avantages pour obtenir en Amérique ou dans les Indes des restitutions importantes. A Paris, à Versailles, M. de Vergennes fut accusé de faiblesse. Pour satisfaire dans certaine mesure à ce mouvement d'opinion, la diplomatie Française insista, auprès du Cabinet de Londres, pour que l'Article V du Traité consacrât expressément pour les Français le droit exclusif de pêche dans la zone qui leur était assignée. Mais le Ministère Anglais tint à éluder cette reconnaissance par crainte de susciter contre lui-même de trop violentes attaques dans le Parlement. Ce fut alors qu'un moyen terme fut adopté entre les deux Puissances, pour tourner la difficulté, tout en donnant à la France ce qu'elle demandait. A cette fin, une Déclaration et une Contre-Déclaration furent signées par les Plénipotentiaires respectifs, et jointes au corps du Traité."

Ici on reproduit les termes de la Déclaration et de la Contre-Déclaration que je viens de rappeler à vos souvenirs. Il est inutile de les relire :—

" Ce sont là, pour tous les juges impartiaux, des clauses bien claires, bien explicites, par lesquelles le Roi d'Angleterre limitait sa souveraineté sur Terre-Neuve aussi formellement qu'avait pu le faire Lous XIV en 1713, quand il s'engageait à détruire les fortifications et à combler le Port de Dunkerque.

"Un texte si précis, si catégorique, appuyé sur une jouissance incontestée et presque séculaire, laisse peu de place à la discussion."

J'estime, quant à moi, qu'il ne m'en laisse pas du tout.

Pour en finir avec ces Traités, je n'ai plus qu'à citer le Traité du 30 Mai, 1814, qui a fait revivre les Traités antérieurs dont j'ai donné lecture. Il est ainsi conçu :—

"Quant au droit de pêche des Français sur le Grand Banc de Terre-Neuve, sur les côtes de l'île de ce nom et des îles adjacentes, et dans le Golfe de Saint-Laurent, tout sera remis sur le même pied qu'en 1792."

Voici les Traités qui servent de base aux revendications de la France. L'existence et la certitude des droits qui lui ont été conférés, l'étendue de ces droits, ne sauraient faire véritablement l'objet d'une contestation, d'une discussion. Cependant on conteste, on discute, on argumente. Eh bien, voyons ces objections.

Il y en a d'abord une première qui, elle, est générale. On dit : "Ils sont bien vieux, ces Traités !" J'avoue que c'est là une objection qui m'étonne. Que la vétusté des Traités puisse amener, dans certaines circonstances, des modifications, c'est possible ; nous en avons des exemples dans le passé, nous en aurons peut-être dans l'avenir. Mais, ce qui n'a jamais pu être dit sérieusement, c'est qu'un Traité a perdu de sa valeur parce qu'il est vieux.

J'ajoute que, depuis 1813 jusqu'à ces dernières années, ces Traités ont été constamment appliqués et qu'ils ont été constamment respectés par les Anglais jusqu'à une époque que j'indiquerai tout à l'heure. Par suite de ces actes, de ces faits, on ne peut pas dire qu'à une époque quelconque ces Traités soient tombés en désuétude. L'objet tirée de l'ancienneté des Traités, de leur vétusté n'a donc aucune espèce de portée.

Ah ! mais, dit-on alors, soit ; vous avez un droit exclusif de pêche ; mais pêcher quoi ? Et c'est alors, Messieurs, qu'on voit apparaître cette distinction subtile, je me sers d'un mot poli, entre ce qui se pêche et ce qui se prend.

Notre honorable collègue, M. l'Amiral Véron, vous a indiqué dans quels termes cette distinction est faite par certains Anglais : Vous pouvez, disent-ils, vous approprier ce qui est susceptible d'être pêché, "to fish," mais vous ne pouvez pas vous approprier ce qui n'est pas susceptible de "to fish," ce qui est seulement susceptible d'être capturé, d'être attrapé, "to catch."

Je réponds à cette objection—si tant est qu'elle vaille l'honneur d'une réponse—que les Traités dont j'ai donné connaissance au Sénat accordent d'une façon générale à la France le droit de pêche sans spécifier en aucune façon les êtres sur lesquels ce droit pourra s'exercer. J'ajoute que, dans le langage usuel, soit Français, soit Anglais, est-ce que ce sont seulement les choses qui, dans le langage scientifique, s'appellent poisson qui sont pêchables ? Voyons : et les huîtres ? J'ai toujours entendu parler de la pêche des huîtres, et personne n'a contesté que ce mot fût à sa place. Et les moules ? et les écrevisses ? ce petit animal (Sourires), qui scientifiquement n'est certainement pas un poisson.

A cet égard, puisque je parle d'écrevisses, permettez-moi de vous lire un extrait d'un charmant article dû à la plume d'un de nos plus éminents et spirituels collègues.

Voici ce qu'il écrivait, il y a deux jours, dans le journal le "Matin" du 15 Mai :—

"Les Anglais, du moins ceux de Terre-Neuve, ont inventé une querelle grammaticale. Ils ont prétendu que les Traités ne réservaient aux Français que la pêche du poisson, et que le homard n'était pas un poisson. Ni le Gouvernement Français ni le Gouvernement Anglais ne se donnent le ridicule de prendre au sérieux cette plaisanterie. Tous deux considèrent que la pêche consiste à prendre ce qui habite l'eau. Mais l'Académie de Terre-Neuve tient pour son interprétation, et le grand Parlement de Terre-Neuve menace de s'annexer aux États-Unis qui n'en veulent pas.

"On disait autrefois que les dictionnaires désignaient l'écrevisse comme petit poisson rouge marchant à reculons ; et qu'un homme de science rectifia cette définition en disant que l'écrevisse n'était pas un poisson, n'était pas rouge, et ne marchait pas à reculons. Le bon Jules Janin, qui n'avait vu un homard que sur la table, l'avait aussi appelé le Cardinal des mers. Il aurait de quoi rougir, en effet, ce crustacé, s'il donnait lieu à une rupture entre deux grandes nations."

On ne peut parler plus spirituellement, et cet esprit ne diminue en rien la portée des observations faites par notre honorable collègue.

Voila, Messieurs, ce que j'avais à répondre à l'argumentation du "to fish" et du "to catch," à l'argument du poisson et du crustacé.

Il y a, Messieurs, quelque chose de bien singulier et de bien étrange. Les Terre-Neuviens principalement, qui sont nos ennemis déclarés dans cette campagne, disent

que le homard ne se pêche pas. Eh bien, savez-vous comment on appelle dans leurs journaux—je vais vous en lire deux extraits—l'opération—c'est avec intention que je ne prononce pas le mot de pêche—l'opération à laquelle on se livre pour arriver à prendre ce crustacé : on l'appelle "pêche."

Voici un extrait d'un Article paru dans le journal le "Harbor Grace Standard" du 19 Février, 1886. L'auteur est publiciste Terre-Neuvien. Je ne sais pas s'il est membre de l'Académie de Terre-Neuve. Voici comment il s'explique :—

"La presse de Londres . . . ."—ce que je lis est une traduction, mais je suis sûr qu'elle est fidèle—"la presse de Londres attache une grande importance à ce débat"—celui des pêcheries de Terre-Neuve,—"et elle est unanime à refuser le droit aux Français"—de quoi faire ?—"de pêcher l'homard."

C'est un Terre-Neuvien qui parle, et il n'y a pas d'erreur possible dans la traduction, car il se sert de ces termes : "to fish the lobster."

Ainsi, d'après ce publiciste lui-meme, on n'attrape pas le homard,—c'est nous qu'on voudrait bien attraper ("Rires")—on le pêche, et ce sont des Terre-Neuviens qui le disent, ou plutôt l'un des porte-paroles des Terre-Neuviens.

Et maintenant à Terre-Neuve et en Angleterre comment appelle-t-on l'industrie qui s'occupe du homard ? "Lobster fishery." C'est de l'Anglais ; qu'est-ce que cela veut dire en Français ? La pêche des homards !

Et l'on affirme que le homard ne se pêche pas.

Voici un nouvel extrait du journal que je citais tout à l'heure :

"Un meeting de citoyens de Saint-John, convoqué par le Sherif, a été tenu Mardi dernier—en Mars—à Court-house, afin d'examiner ce qu'il convenait de faire en face du *modus vivendi* concernant le "lobster fishery,"—c'est-à-dire la pêche du homard,—sur la côte de Terre-Neuve."

Et l'on ne pêche pas le homard !

Voici la réponse des Terre-Neuviens eux-mêmes à l'objection grammaticale, derrière laquelle ils essaient de se retrancher.

Quant à moi, j'ai encore une autre réponse à faire.

Admettons que les Français n'aient pas le droit de prendre des crustacés, qu'ils n'aient pas le droit de pêcher le homard ; qui le pêchera ?

Seront-ce les Anglais ? Non, ce n'est pas possible.

Reportez-vous, en effet, à la lecture des Traités. Ces Traités disent, dans les termes les plus formels, que les pêcheurs d'une nation ne pourront, sous aucun prétexte ni d'aucune façon, troubler la pêche d'une autre nation. Eh bien, si les Anglais, les Terre-Neuviens, ou d'autres voulaient venir s'installer au milieu des Français pour pêcher le homard, est-ce qu'ils pourraient le faire sans les troubler ? Ils les troubleraient certainement ; ce serait donc une violation flagrante des Traités.

Si donc l'interprétation de l'Académie de Terre-Neuve pouvait être acceptée, ce ne sont ni les Anglais, ni les Terre-Neuviens, qui pourraient profiter de la pêche. Ce ne serait ni les uns ni les autres ; ce ne serait personne. Tout le monde serait mécontent, à l'exception peut-être des homards, qui, ne pouvant se faire pêcher, iraient se faire pendre, je me trompe, iraient se faire prendre ailleurs. (Sourires.)

Ceci s'appelle une preuve par l'absurde ; mais quelquefois cette preuve a du bon. C'est un moyen souvent de faire la lumière aussi grande, aussi éclatante que possible.

Voilà ce que j'avais à dire sur cette question.

A ce sujet et dans ce même ordre d'idées, voici un nouveau document, qui m'a été fourni tout récemment, et qui me paraît avoir une grande importance parce qu'il faut démontrer, à la face de tous, à quels moyens, à quels arguments pitoyables, je devrais employer une expression plus sévère, à quels arguments on a recours dans certains pays pour contester nos droits incontestables.

Il y a d'abord un fait qui nous est révélé dans l'ouvrage dont je parlais tout à l'heure, "Terre-Neuve et Terre-Neuviens." Savez-vous ce qu'on enseigne dans les écoles de Terre-Neuve ?

On fait usage dans ces écoles d'un petit précis de géographie, et dans cet ouvrage il est dit ceci, que je lirai en Français—le texte Anglais est au bas de la page :—il est dit qu'à l'heure actuelle une partie des côtes de Terre-Neuve est virtuellement soustraite au contrôle du Gouvernement Colonial à cause des prétentions mal fondées affirmées et soutenues par les Français en vertu de quoi cette partie des côtes est généralement, mais très à tort, appelée le "French Shore."

Voilà plus d'un siècle,—que dis-je, plus de deux siècles—qu'on se sert de cette appellation de "French Shore," et l'on enseigne dans les écoles de Terre-Neuve

que cette appellation ne signifie absolument rien; étonnez-vous donc des excentricités de plume dont je vous ai fait connaître tout à l'heure un échantillon.

Vous allez voir maintenant comme on arrange les Traités, vous allez voir comment certaines Terre-Neuviens les traduisent, spécialement le Traité de 1713.

Je vous en ai déjà lu une partie; je vous demande la permission d'en remettre un article sous vos yeux, pour que vous voyez à quel point on le travestit à Terre-Neuve.

L'Article XIII est ainsi conçu:—

"Il ne leur (les Français) sera permis non plus d'y (à Terre-Neuve) fortifier aucun lieu, ni d'y établir aucune habitation de façon quelconque, si ce n'est des échafauds et cabanes nécessaires et usités pour sécher le poisson, ni d'aborder dans la dite isle dans d'autre temps que celui qui est propre pour pêcher et nécessaire pour sécher le poisson. Dans la dite isle il ne sera permis aux dits sujets de la France de pêcher et de sécher le poisson en aucune autre partie . . . ." &c.

Voilà ce qu'il y a dans le Traité, et le Traité est en Français.

Eh bien, d'après le publiciste Terre-Neuvien, voici ce qu'il y aurait. L'article de ce Terre-Neuvien a été publié le 11 Janvier dernier dans le journal que j'ai cité tout à l'heure et qui est le plus gallophobe de l'endroit. Il a pour titre: "Le droit de pêcher et de conserver les homards."

"M. Flourens, ancien Ministre, désirait que la Chambre des Députés affirmât que les Français avaient le droit de pêcher sur cette côte, non seulement la morue, mais aussi les homards.

"Maintenant nous supposons qu'il est tout à fait peu nécessaire que nous assurions à nos lecteurs que cela est en contradiction directe avec les termes du Traité d'Utrecht. Par ce Traité, les Français ont le droit, ou plutôt le privilège, ou la permission de pêcher sur les bancs ou les côtes de Terre-Neuve la morue seulement, et aucune autre sorte ou espèce de poisson, quelle qu'elle soit. Cela, nous le prétendons, est établi d'une manière incontestable par les phrases du Traité lui-même."

Voilà des démonstrations.

Le mot employé est, dit-on, morue. (Exclamations.) Je m'attendais, Messieurs, de votre part, à ce mouvement de dénégation, car c'est absolument le contraire; enfin, voilà le procédé d'argumentation de certains contradicteurs.

Le mot employé est morue, et non aucune autre espèce: ni hareng, ni saumon, ni encornet, ni capelan, ni homard! Morue perse—Morue et rien autre!

"Si cela n'était pas l'intention formelle des auteurs du Traité et s'ils avaient désiré que cela fût entendu comme comprenant toutes les espèces de poissons, alors sans aucun doute, ils auraient employé le mot poisson et non morue."

Mais, c'est précisément ce qu'ils ont fait et c'est pour cela que j'ai relu tout à l'heure l'Article XIII du Traité de 1713.

A trois reprises, le mot dont on se sert pour indiquer les animaux qu'on aura le droit de prendre, c'est le mot poisson; on ne se sert pas une seule fois du mot morue.

Je continue:—

"Si donc, on avait employé le mot poisson il faudrait bien s'incliner; on n'a pas parlé de poisson, mais de morue . . . ."

Je prie le Terre-Neuvien, qui a écrit cela, s'il ne sait pas le Français, de s'adresser à un Français pour avoir une traduction exacte et de se faire remettre sous les yeux les termes du Traité.

Voilà un genre de polémique qui explique bien des excentricités, bien des intempérances de langage.

Je crois, par ces lectures, par ces citations, avoir établi la certitude des droits de la France et leur étendue. (Très bien! très bien!)

Maintenant, comment se ont-ils exercés? Comment s'exercent-ils?

Est-ce d'une façon précaire? Est-ce, au contraire, d'une façon, qui révèle, de la part de la France, qu'elle est investie d'un véritable *dominum*?

Vous allez en juger. A côté du droit, voici la pratique; il est important de la faire connaître.

La pêche des poissons, qu'il est possible de pêcher sur les côtes de Terre-Neuve, a été organisée de deux façons: d'abord, d'une façon qu'on peut appeler "la façon du premier occupant," qui a été mise en usage par l'Ordonnance de la Marine de 1681.

Vous voyez que les choses remontent assez loin. Plus tard, ces droits se sont exercés différemment, depuis le commencement de ce siècle.

Sous l'empire de l'Ordonnance de 1681 voici comment on procédait à la pêche:—

Lorsqu'arrivait l'époque de la pêche, les pêcheurs quittaient les côtes de Normandie ou de Bretagne et faisaient assaut à la course. C'était celui qui était arrivé le premier, qui prenait sur les côtes de Terre-Neuve, dans les limites tracés par les Traités, la place qui lui convenait.

Voici, à cet égard, comment était conçu l'Article 1er de l'Ordonnance de 1681 :—

" Titre VI, livre V.—Quand nos sujets iront faire la pêche des " molues " (morues) aux côtes de l'Ile de Terre-Neuve, le premier qui arrivera, ou enverra sa chaloupe au havre appelé du Petit-Maître, aura le choix et prendra l'étendue du galet qui lui sera nécessaire."

Ce n'est pas une possession précaire, j'imagine; c'est l'exercice d'un *plenum dominium*, c'est l'exercice complet, absolu, dans les limites tracées par les Traités.

Le régime a été modifié dans le commencement de ce siècle par divers Arrêtés, Ordonnances, ou Décrets, dont le dernier est le Décret-Loi du 2 Mars, 1852. Au système du premier occupant, on à substitué le système du tirage au sort. Vous allez voir comment se fait ce tirage, et comment est rédigé le titre qui est délivré au pêcheur, à l'armateur, ou au capitaine quand ils partent pour Terre-Neuve.

Voici d'abord les termes du Décret-Loi de 1852 qui a reproduit les dispositions des Décrets antérieurs, et qui réglemente cette prise de possession :—

" Article 1er. Les havres et plages, avec les grèves qui en dépendent aux côtes de l'Ile de Terre-Neuve, continueront de n'être pas au choix du premier arrivé ni du premier occupant.

" La répartition en sera faite entre les armateurs tous les cinq ans par voie d'un tirage au sort et au moyen d'un état indicatif des havres situés sur la partie des côtes de la dite île, où, d'après les Traités, les capitaines Français peuvent s'établir pour la pêche."

Après ce tirage au sort, voici le titre qu'on délivre aux ayants droit ; il est aussi énergique que possible. Il est ainsi libellé :—

" Côtes de l'Ile de Terre-Neuve.—Bulletin de mise en possession délivré aux ayants droit par le Commissaire de l'Inscription Maritime."

Voici comment est conçu ce titre :—

" Le navire ' Le Laborieux,' armé au port de Binic, à M. le Pomellec, domicilié à Binic, commandé par le Sieur Philippe, jaugeant 188 tonneaux 85, ayant quarante-cinq hommes d'équipage.

" Ce présent bulletin a été délivré par le Commissaire de l'Inscription Maritime à Binic, au Sieur Philippe, capitaine du navire ' Le Laborieux,' conformément à la Loi du 2 Mars, 1852, pour constater que le dit capitaine a le droit d'occuper, dans le havre de Vieux-Férolle et Sainte-Geneviève, situé sur la côte ouest de l'île, la place, avec ses dépendances (Nos. 1 et 2)—dite No. 1, babord en entrant, dans Brig Bay; No. 2, Ile Fish—qui a été assignée au dit navire, avec faculté de jouir de la dite place, sans trouble ni empêchement, jusqu'à l'année 1892 exclusivement, époque à laquelle le partage des places doit être renouvelé intégralement.

" Ceux qui troubleront le capitaine du navire ' Le Laborieux ' dans la possession et la jouissance de la dite place, seront passibles d'une amende de 500 fr. et de tous dommages-intérêts qui pourront être ultérieurement réclamés auprès des Tribunaux."

Tel est l'acte de mise en possession. Ce n'est pas un acte de possession précaire, c'est, je le répète, un acte de *plenum dominium*.

Ce bulletin de possession d'un usage séculaire, son mode de rédaction, sa mise en pratique, n'ont jamais été l'occasion d'une plainte quelconque, d'une réclamation quelconque de la part de l'Angleterre. Les Anglais, qui savent à merveille à quoi s'en tenir sur ces questions, ont pleinement accepté cette façon de faire, ils n'ont jamais rien dit, et ils n'ont jamais contesté des pratiques deux fois séculaires.

Voilà bien des preuves accumulées. Mais je n'ai pas fini.

Il faut, en effet, que vous sachiez que les droits de la France ont été solennellement reconnus par de hauts fonctionnaires de l'Angleterre, dans les termes les plus énergiques et les plus absolus. J'ai eu l'occasion de communiquer à M. le Ministre des Affaires Étrangères un document qui me paraît avoir une importance considérable : c'est une Proclamation faite par un Amiral Anglais, Lord Cochrane, à Terre-Neuve, en 1828. On m'en a communiqué une autre : c'est une reconnaissance de 1822, qui n'est pas éloignée, celle-là, du Traité de 1814.

Écoutez en quels termes Sir Hamilton, Gouverneur de Terre-Neuve, s'exprimait à l'occasion des droits de la France sur les pêcheries de Terre-Neuve. La Proclamation

que je vais lire est rapportée dans l'ouvrage que je citais tout à l'heure: "Terre-Neuve et les Terre-Neuviens," page 123:—

"*Proclamation de Sir Charles Hamilton, Gouverneur et Commandant-en-chef de l'Ile de Terre-Neuve et de ses Dépendances.*

"Nous, Gouverneur, considérant qu'il est stipulé par l'Article XIII du Traité Définitif de Paix, conclu entre Sa Majesté et le Roi de France, et signé à Paris le 31 Mai, 1814, que les droits de pêche des Français au Grand Banc de Terre-Neuve, sur les côtes de l'île de ce nom, et les îles adjacentes situées dans le Golfe de Saint-Laurent, seraient remis sur le pied où ils se trouvaient en 1792, lequel Article XIII a été confirmée de nouveau par l'Article XI du Traité Définitif entre la Grande-Bretagne et la France, conclu à Paris le 20 Novembre, 1815;

"Considérant que le droit de pêche réservé au sujet de Sa Majesté Très Chrétienne pour le dit Traité, s'étend depuis le Cap Saint-Jean, par la côte est de Terre-Neuve, jusqu'au Cap Rouge, contournant l'île en remontant par le nord et descendant par la côte occidentale;

"Considérant, enfin, qu'il nous a été représenté que des déprédations avaient été commises par des sujets Anglais au préjudice de Français établis dans les dites limites;

"Faisons connaître, par la présente Proclamation, que les sujets de Sa Majesté Très Chétienne doivent avoir pleine et entière jouissance de la pêche dans les limites et bornes ci-dessus énoncées, pour en faire usage suivant qu'ils y sont autorisés par le Traité d'Utrecht;

"A cette fin, il est expressément enjoint à tous les officiers, Magistrats, et autres fonctionnaires de notre Gouvernement de donner des ordres dans leurs diverses stations et dépendances respectives pour qu'aucun trouble ou empêchement ne soit apporté sous quelque prétexte que se puisse être à l'exploitation de la dite pêche par les Français à qui les dits officiers et Magistrats devront assistance en cas de besoin.

"En conséquence, il a été notifié à tous les sujets de Sa Majesté dépendant de la partie de Terre-Neuve, ci-dessus désignés, de n'interrompre en aucune manière la pêche des sujets de Sa Majesté Très Chrétienne dans les limites qui viennent d'être mentionnées.

"Si aucun des sujets de Sa Majesté refusait de quitter cette partie de la côte dans un délai convenable après notification, les officiers sous nos ordres devront prendre des mesures pour que les échafauds et autres établissements créés par les récalcitrants pour l'exploitation des dites pêcheries, soient enlevés, ainsi que les navires et bateaux en dépendant et qui se trouveraient dans les limites susdites.

"Les dits officiers sont, en conséquence, autorisés à user des moyens qu'ils jugeront nécessaire pour contraindre les sujets de Sa Majesté à quitter cette partie de la côte de l'île et ils devront les prévenir qu'ils seront traduits devant les Tribunaux à raison de leur refus conformément à l'Acte du Parlement."

Est-ce clair? Y a-t-il un doute possible?

M. le Baron de Lareinty.—C'est parfaitement clair.

M. Bozérian.—J'ai parlé de 1822, voyons maintenant ce qui se passe en 1828. Voici un document plus court, mais qui n'est pas moins explicite. C'est une Proclamation de l'Amiral Cochrane:—

"Au nom de son Excellence Sir Thomas John Cochrane, Knight, Gouverneur, et Commandant-en-chef de l'Ile de Terre-Neuve, ainsi que Vice-Amiral de la dite île.

"Attendu que des plaintes ont été faites devant moi, depuis plusieurs années, plaintes portant que différentes personnes mal intentionnées, employées dans les pêcheries Anglaises, en se rendant aux pêcheries du nord et du Labrador, ont mouillé avec leurs bateaux et schooners dans divers ports et havres de cette partie de l'île communément appelée "French Shore," qui est réservée aux sujets Francais pour y exercer la pêche, et y ont commis de nombreux méfaits sur la propriété des pêcheurs Français, et à diverses reprises ont volé divers objets appartenant à ces derniers, tels que sel, appareils de pêche, &c., et ont aussi détruit méchamment d'autres objets;

"Moi, Gouverneur, en conséquence, je préviens toutes personnes mal intentionnées que, en cas de renouvellement de pareils actes de violence, j'appliquerai les procédés les plus rigoureux, que la loi perment d'employer contre les auteurs de pareils méfaits, et, pour pouvoir plus efficacement les amener devant la justice, les autorités Françaises recevront des instructions pour appréhender et envoyer à Saint-John's pour y être jugée, toute personne prise commettant de pareils méfaits."

Peut-on concevoir le moindre doute, quand on voit un Gouverneur Anglais inviter les autorités Françaises à mettre la main sur ceux qui contreviendraient aux dispositions des Traités et à déférer les délinquants aux Tribunaux compétents. Voilà, Messieurs, je le pense, une accumulation de preuves :

Les Traités, les faits, les pratiques séculaires, la reconnaissance par les autorités Anglaises des droits de la France. (Très bien ! très bien !)

Voilà comment les choses auraient dû se passer. Mais hélas ! il n'en a pas toujours été ainsi, notamment dans les dernières années.

A ce sujet, des plaintes nombreuses ont été adressées, soit à M. le Ministre de la Marine, soit à M, le Ministre des Affaires Étrangères. Je ne les reproduirai pas toutes, ce serait trop long, je parlerai d'une seule de ces plaintes qui fera connaître la situation véritablement intolérable qui en dernier lieu a été faite à nos pêcheurs de Terre-Neuve. Voici un Mémoire qui a été adressé le 5 Juillet, 1889, par un armateur de Nantes, M. Thubé, qui voulait organiser d'importantes homarderies sur les côtes de Terre-Neuve. Le Ministre de la Marine était alors l'honorable Amiral Krantz. Voici ce que M. Thubé lui écrivait :—

" Amiral,

" J'ai l'honneur d'attirer votre haute attention sur le préjudice considérable que me cause l'exercice de la pêche par les Anglais, dans les limites des concessions des Baies du Vieux-Ferolle et de Sainte-Geneviève (côte ouest de Terre-Neuve) que vous avez bien voulu m'accorder.

" Le Capitaine Philippe, commandant mon navire " Laborieux," a remis à M. le Chef de la Division Navale une protestation concernant l'exercice de la pêche par les Anglais, en demandant à cet officier supérieur de faire respecter notre droit absolu et exclusif de pêche.

" M. le Chef de la Division Navale à répondu ' qu'il n'était pas en son pouvoir d'expulser les Anglais ' et, après avoir passé quelques jours au mouillage de Brig-Bay, il est parti, nous laissant à la merci des Anglais qui ont établi quatre homarderies sur nos concessions, y attirent de nombreux pêcheurs des Iles du Prince-Édouard, couvrent les fonds convenables pour la capture du homard de quantités énormes de casiers, épuisent les gisements de homards, en quelque sorte notre propriété, nous enlèvent par leurs actes et leur présence, la jouissance actuelle et future de notre exploitation.

" Mon capitaine se trouve dans cette situation intolérable de ne pouvoir donner à son exploitation l'importance que comportent les capitaux engagés, les moyens d'action mis à sa disposition, et l'énergique bonne volonté de nos pêcheurs qui, entre leur salaire fixe, ont une prime proportionnelle au nombre de poissons pêchés et sont ainsi directement intéressés dans le résultat de cette affaire.

" Conformément à mes instructions formelles, mon Capitaine évite toute lutte, tout conflit à main armée, conflit dont les conséquences ne peuvent se prévoir. Aussi, en ce qui concerne notre pêche du homard et l'immersion des casiers, mon capitaine se trouve réduit à pêcher dans l'espace que les Anglais daignent lui concéder, c'est-à-dire sur des fonds déjà épuisés ou médiocres.

" A la date du 31 Mai, nous n'avions fabriqué que soixante caisses de homards, alors que normalement nous aurions dû en avoir 600, et, à cette même date, mon capitaine écrit : ' Les Anglais exploitent nos concessions comme des enragés. En face de nous, à Brig-Bay, ils prennent quotidiennement 8,000 à 12,000 homards. Il est facile de voir que, dans ces conditions, le homard sera détruit à bref délai, quoique le gisement soit très riche.'

" Le 6 Mai, M. Michel, l'un de mes associés, présent sur les lieux, écrivait de son côté : " L'impression des habitants nous est favorable, mais ils attendent avec impatience la venue des navires de guerre pour savoir, eux aussi, de quel côté il faut tourner le cap . . . .' Nos pêcheurs ne peuvent pas déloger les Anglais sans conflit ; les Anglais sont tous hommes à se battre, capables de faire une bouchée de nos pêcheurs. Vous voyez quelle importance j'attache à la présence de la station navale ici. Je me propose de lui demander de faire un long séjour, jusqu'à ce que nous soyons délivrés des homarderies Anglaises.

" Quant à la pêche de la morue, elle nous est devenue matériellement impossible. Le passage de ce poisson est, comme l'on sait, de très courte durée à la côte nord-ouest ; à l'approche du détroit du Labrador, sentant les fonds diminuer, ce poisson devient très défiant, nos pêcheurs doivent prendre toutes les précautions possibles pour ne pas l'écarter des baies formant les concessions. Selon l'usage, le capitaine, au moment de ce passage de la morue (vers le 20 Juin), lève ses casiers, les met à terre dans la

crainte que la morue en rencontrant ces engins dans sa course, n'accoste pas la côte et ne disparaisse au large dans les grands fonds où elle est imprenable.

"Or, nos concessions sont parsemées de casiers Anglais auxquels nos pêcheurs ne peuvent toucher sous peine de rixes et de batailles et que les propriétaires refusent naturellement de lever.

"Enfin ces casiers, invisibles au fond de l'eau, déchirent nos sennes et, ainsi que l'a expliqué M. l'Amiral Veron au Sénat (séance du 24 Décembre, 1888, 'Journal Officiel,' page 1701 et suivantes), rendent la pêche de la morue impraticable.

"Je ne m'étends pas davantage sur le préjudice causé par cette concurrence sur l'impossibilité à Terre-Neuve de partager, dans quelque mesure que ce soit, l'exploitation des baies, non seulement avec des ennemis acharnés, mais même avec des amis bienviellants."

Voilà la situation qui était faite à nos pêcheurs avant le *modus vivendi*. J'ajoute qu'à la suite de ces faits une réclamation a été adressée au Commandant Anglais le Capitaine Walker. Voici sa réponse; elle vaut le peine d'être rappelée; elle est adressée au Capitaine Philippe:—

"Monsieur,

"Je vous accuse réception de votre lettre du 29 Juillet et je veux vous assurer que mon intention est d'écarter les obstacles au légitime exercice des opérations de pêches Françaises qui sont concédées par Traité.

"En ce qui concerne la plainte contenue dans votre lettre, je ferai remarquer que l'industrie que vous pratiquez dans la Baie Sainte-Marguerite consiste à capturer des homards et n'est pas comprise dans la liberté d'action ("scope") des Traités existants. Je ne peux donc reconnaître la légitimité de votre plainte et vous comprendrez, dans ces circonstances, que je ne puis admettre que la propriété des sujets Britanniques soit mise en concurrence avec la vôtre.

Je suis, &c.

(Signé) "WALKER, *Capitaine et Officier Doyen.*"

Voilà la nouvelle doctrine des officiers Anglais, à laquelle on peut opposer la doctrine de leurs supérieurs l'Amiral Hamilton et l'Amiral Cobden.

Telle était, Messieurs, la situation, qui était devenue vraiment intolérable.

C'est dans ces circonstances qu'est intervenu le *modus vivendi*. Je passe à la seconde période.

M. le Ministre des Affaires Étrangères vous a donné connaissance de cet arrangement, de ce *modus vivendi*, comme on l'appelle. Permettez-moi de vous en remettre les termes sous les yeux. Vous verrez, par cette simple lecture, en quoi il se rapproche, en qui il s'écarte du Traité.

"Les questions de principe et les droits respectifs étant entièrement réservés de part et d'autre, on peut convenir pour la saison prochaine du maintien du *statu quo* sur les bases suivantes:

"Sans que la France ou la Grande-Bretagne demandent dès aujourd'hui un nouvel examen de la légalité de l'installation des homarderies Anglaises ou Françaises sur les côtes de Terre-Neuve, où les Français jouissent des droits de pêche conférés par les Traités, il sera entendu qu'aucune modification ne sera apportée aux emplacements occupés par les établissements appartenant aux nationaux des deux pays au 1er Juillet, 1889."

Ainsi, tout ce qui existait au 1er Juillet, 1889, alors même que ce serait contraire aux Traités, va être provisoirement maintenu.

"Par exception, les nationaux de l'un ou l'autre pays pourront transporter leurs établissements susdits à tout endroit au sujet duquel les Commandants des deux stations navales seront préalablement tombés d'accord. (Bruit de conversations.)

M. Bozérian.—J'ai bientôt terminé, Messieurs.

Voix nombreuses. Attendez le silence.

M. le Président.—M. Bozérian demande quelques instants de repos.

Il n'y a pas d'opposition ? . . .

La séance est suspendue pour quelques minutes.

(La séance, suspendue à 3 heures 25 est reprise à 4 heures moins 20).

M. le Président.—La parole est à M. Bozérian pour la continuation de son discours.

M. Bozérian.—Messieurs, j'ai mis votre patience à une rude épreuve (Non ! non !); cette épreuve sera bientôt terminée. Il ne me restait plus, en ce qui concerne le

modus vivendi actuel dont je parlais tout à l'heure, qu'à vous en faire connaître la disposition finale qui est ainsi conçue :

" Toutes les fois qu'un fait de concurrence concernant la pêche du homard se produira entre les pêcheurs des deux pays, les Commandants des deux stations navales procéderont sur les lieux à une délimitation provisoire du fond de pêche des homards, en tenant compte des situations acquises par les deux parties.

" *Nota Bene.*—Il sera bien entendu que cet arrangement tout provisoire ne sera valable que pour la durée de la campagne de pêche qui va s'ouvrir."

Voilà, Messieurs, le *modus vivendi*. Je ne sais pas ce qu'il faut en penser au juste. Je serai très sobre d'observations à cet égard ; la situation est, je le reconnais, délicate et difficile. Mais, en attendant que nous sachions, nous, ce qu'il convient d'en penser, laissez-moi vous dire, Messieurs, ce qu'en pensent les Terre-Neuviens. Je vous ai cité tout à l'heure un extrait d'un journal de Terre-Neuve, dans lequel on habillait ou plutôt ou déshabillait d'une singulière façon le Traité de 1713.

Voici comment un gros bonnet—car il y a de gros bonnets aussi à Terre-Neuve—traitait le *modus vivendi*, dans un meeting tenu récemment dans cette île. J'emprunte cette citation à un journal Français, le journal " Le Siècle," numéro du 19 Mai, 1890.

L'article auquel je fais allusion est intitulé : Écarts de langage :

" Les Délégués de Terre-Neuve auprès de Lord Salisbury ne sont pas encore arrivés à Londres où ils doivent protester contre le *modus vivendi* récemment signé pour la saison de 1890.

" L'un de ces personnages, Sir James Winter, ancien Procureur-Général de la Colonie, a prononcé dans un meeting, avant son départ, les paroles suivantes qui méritent vraiment d'être reproduites *in extenso*.

" Qu'est-ce que signifie ce *modus vivendi ?* Un voleur entre chez vous et s'empare de votre vaisselle. Vous le menacez de le livrer à la justice, et il vous propose un *modus vivendi*, aux termes duquel il gardera la vaisselle pendant trois mois, tout en réservant vos droits de propriété absolue sur elle, mais sans que vous-même puissiez dès lors vous en servir."

M. le Comte de Tréveneuc, ironiquement. (Très bien !)

M. Bozérian.—Non, pas très bien ! à moins que : très bien ! ne veuille dire : très mal !

" Accepteriez-vous ce *modus vivendi ?* Non, sans doute ! Vous livreriez le coquin aux Juges. Eh bien, le *modus vivendi* arrêté entre l'Angleterre et la France n'est pas autre chose que le *modus vivendi* imaginé tout à l'heure pour le vol de la vaisselle."

A Droite.—Parfaitement ! De mieux en mieux !

M. Bozérain.—Et un journal Anglais, le " Daily Chronicle," fait suivre cette citation d'une appréciation assez énigmatique.

Ce journal est obligé de convenir " que la comparaison a de la force." (Rires.)

Je ne sais pas trop ce qu'il veut dire. Du montant, c'est possible, mais de la force, je n'en crois rien. Voilà, Messieurs, la manière dont on apprécie à Terre-Neuve ce *modus vivendi* qui a dû être très laborieux (M. le Ministre des Affaires Étrangères fait un signe d'asssentiment),—cela ne m'étonne pas !—ce *modus vivendi* qui est intervenu entre la France et l'Angleterre.

Mais, puisqu'on nous parle de vaisselle, de voleurs, de coquins, je voudrais bien savoir, messieurs de Terre-Neuve, où est votre vaisselle ? Je voudrais bien la voir. La nôtre, je vous l'ai montrée. Elle se compose : du Traité d'Utrecht du 11 Avril, 1713, du Traité du 10 Février, 1763, de celui du 3 Septembre, 1783, de celui enfin du 30 Mai, 1814. Si par hasard cette vaisselle venait à disparaître, où serait, dites-moi, le volé, où serait le voleur ? Je vous laisse, Messieurs, le soin de répondre à ces questions.

Et maintenant, je le répète, que devons-nous penser du *modus vivendi ?* Je voudrais pouvoir n'en penser que du bien. Malheureusement, cela ne m'est pas possible.

Quoi qu'on dise, il est certain—et je tiens compte des difficultés de l'heure présente—il est certain que ce *modus vivendi*, que cet arrangement est une brèche faite aux Traités.

Ces Traités ne permettaient pas la concurrence entre les Français et d'autres pêcheurs : la concurrence vient de passer par la brèche qui vient de lui être ouverte. Cette brèche sera-t-elle fermée ? Je voudrais l'espérer ; mais si, à cet égard, les espérances me sont interdites, les regrets ne sauraient m'être défendus.

Après ce *modus vivendi*, qui est l'histoire du présent, viendra l'avenir, puisque ce *modus vivendi* n'a été fait que pour une année. Cet avenir, Messieurs les Ministres, est entre vos mains.

On a parlé d'arbitrage, d'arrangement, de négociations. Sur ce point vous nous ferez les communications que vous croirez convenables et possibles ; mais, permettez-moi de vous dire que si nous avons déposé cette interpellation, c'est parce que nous avons pensé que les négociations, s'il doit s'en engager, auraient pour nous une issue d'autant plus favorable que les droits de la France seraient plus clairement et plus solidement établis. (Très bien ! très bien !)

Je ne sais si j'ai réussi à les établir, mais ce que je sais, c'est que j'ai apporté à l'accomplissement de la tâche que je m'étais imposée, tout l'ardeur d'une conviction profonde, d'une conviction absolue. (Nouvelle approbation.)

En terminant l'intéressant discours que vous avez prononcé à la séance du 25 Mars, vous nous avez donné l'assurance, M. le Ministre des Affaires Étrangères, que le Gouvernement qui siège sur ces bancs saurait, en cette occasion comme en toute autre défendre, les droits et la dignité de la France. Ce sont vos propres paroles, je suis heureux de les rappeler.

Oui, vous défendrez et vous ferez respecter ces droits qui reposent sur des Traités séculaires ; vous défendrez et vous ferez respecter cette dignité qui est la meilleure partie du patrimoine national ; enfin vous défendrez et vous ferez respecter tous les intérêts qui reposent entre vos mains et dont vous avez la garde ; vous saurez les défendre et les faire respecter jusqu'au bout et dans toutes les circonstances ; vous ne laissez jamais protester la signature de la France. (Très bien ! très bien ! et applaudissements sur divers bancs.)

Messieurs, je crois que, sur certains points, qui touchent surtout à des intérêts locaux, mon honorable collègue, M. de l'Angle-Beaumanoir, désire présenter quelques observations. Je me suis abstenu, bien entendu, de rien dire sur la partie du sujet qu'il s'est réservé, et je m'empresse du lui céder la parole. (Très bien ! très bien !)

M. le Président.—La parole est à M. de l'Angle-Beaumanoir.

M. le Marquis de l'Angle-Beaumanoir.—Messieurs, c'est imposer une épreuve un peu pénible à une Assemblée que de lui demander d'entendre successivement deux discours traitant, dans le même sens, un même sujet.

Me trouvant placé dans cette nécessité, je fais un appel tout particulier à la bienveillance du Sénat. (Parlez ! parlez !)

Ainsi que l'a indiqué M. Bozérian, la question de Terre-Neuve est une question vitale pour nos populations de l'Ouest. Je prie donc nos collègues du Midi de me prêter autant d'attention que s'il s'agissait des questions viticoles, et mes collègues du Nord que s'il s'agissait des Tarifs des sucres. (Rires et approbation.)

Quant à mes collègues de l'Est, ils ont trop à cœur ce qui se passe sur la frontière pour ne pas comprendre que nous apportions sur la nôtre la même vigilance. (Très bien ! très bien !)

Messieurs, lorsqu'à la séance du 25 Mars, j'ai demandé à transformer en interpellation, la question posée à son Excellence M. le Ministre des Affaires Étrangères, j'espère que personne ne m'a prêté l'intention présomptueuse d'ajouter quoi que ce fût à l'exposé si complet présenté par M. l'Amiral Veron, dont l'argumentation, aussi claire que concluante, empruntait une autorité particulière à sa haute situation d'Officier Général de la Marine, j'obéissais seulement, comme notre honorable collègue M. Bozérian, exprimant spontanément le même vœu que moi-même, au désir de donner une sanction au débat, en tentant d'obtenir du Sénat un ordre du jour, propre à raffermir l'allure quelque peu chancelante de notre diplomatie.

En effet, Messieurs, dans sa courte réponse, M. le Ministre des Affaires Étrangères nous avait présenté des affirmations tellement contradictoires, qu'il est permis de dire qu'en quelques minutes, il nous avait fait passer du chaud au froid. Il me semblait, en l'écoutant, entendre une de ces symphonies à motifs variés, qui débutent par des sonorités stridentes de clairon, des vibrations de " Marsellaise," puis s'adoucissent peu à peu, pour se fondre et s'éteindre dans les accords languissants et discrets du " God Save the Queen " par exemple. (Sourires à Droite.) En un mot, M. le Ministre, après une affirmation énergique et réitérée de nos droits indiscutables, concluait en nous annonçant qu'on en avait commencé et qu'il en continuerait la discussion, et il terminait par un appel d'une confiance peut-être prématurée à la bonne foi du Gouvernement Anglais.

Cette absence complète de satisfaction aux intérêts si graves des populations maritimes de l'Ouest, dont nous, Sénateurs Bretons, avons au premier rang la garde, avait déjà suggéré à notre cher et respecté Doyen de la répresentation des Côtes-du-Nord, M. le Comte de Tréveneuc, les pressantes et chaleureuses instances formulées par lui dans les séances du 14 et du 17 Mars.

Veuillez souffrir, Messieurs, que, m'inspirant des mêmes sentiments, j'insiste de nouveau auprès de vous.

L'honorable M. Bozérian, avec un excès de courtoisie contre lequel il voudra bien me permettre de protester, s'est qualifié de co-signataire de notre interpellation, dont il semblait m'attribuer généreusement l'initative non partagée.

J'ai le devoir de lui restituer, dans notre action commune, le premier rang qui lui appartient. L'éloquente et savante dissertation qu'il vient de faire entendre au Sénat le lui assurerait d'ailleurs, en dehors de tous les titres si nombreux qui l'y placent. C'est du reste une heureuse fortune pour un Membre de la Droite, et je n'ai pas voulu en laisser échapper l'occasion, de montrer une fois de plus, que si nos convictions nous créent le douloureux devoir de combattre implacablement certaines manifestations de la politique Républicaine, nous savons, lorsque la dignité de la France est en jeu, apporter notre concours désintéressé à ceux qui parlent en son nom. (Très bien ! à Droite.)

Messieurs, j'admirais tout à l'heure avec vous, le talent déployé par M. Bozérian dans la définition et la défense de nos droits séculaires sur les pêcheries de Terre-Neuve et je me garderai bien de toucher à une démonstration aussi parfaite. Mais pour me laisser sans doute quelques épis à glaner dans son abondante moisson d'arguments, notre honorable collègue s'est surtout enfermé dans le domaine théorique et juridique, m'abandonnant par suite, le soin d'appeler la sollicitude du Sénat, sur le préjudice causé aux pêcheurs par l'état de choses actuel, dérivant d'une accumulation de concessions imprudentes, auxquelles il est temps de mettre un terme.

Afin de ne pas obliger le Sénat à regretter la bienveillance avec laquelle il veut bien m'écouter et pour ne pas m'exposer moi-même à tomber dans des redites qui laisseraient sa patience, je considérerai, Messieurs,—croyant en cela traduire votre pensée unanime,—je considérerai, dis-je, la question de droit comme tranchée, et je ferai porter ma discussion sur deux points seulement : je m'efforcerai d'abord de définir aussi fidèlement que possible la situation si touchante des populations dont les intérêts sont en cause ; puis j'examinerai quels sont, pour la protection due à ces droits absolus, les devoirs imposés au Gouvernement et à sa diplomatie.

Messieurs, il est peu d'hommes au monde par qui l'universelle loi du travail soit plus sincèrement pratiquée que par nos pêcheurs de Terre-Neuve.

Tour à tour cultivateurs et marins, pendant les mois d'automne et d'hiver, ils laboureront et ensemenceront ces champs dont la moisson se fera sans eux et que plusieurs quitteront pour ne plus les revoir.

Avril verra leur départ pour Terre-Neuve, puis, pendant cinq mois, ils vont se livrer à un labeur incessant de jour et de nuit, ayant à peine quatre heures de sommeil, sans cesse trempés de la tête aux pieds, ne songeant même pas à se plaindre tant la persévérance, l'énergie, le courage sans défaillance sont pour eux des vertus natives et héréditaires.

Quand Septembre arrivera, on songera au retour, et alors, ceux que la mer aura épargnés, ceux sur lesquels elle n'aura pas prélevé son insatiable tribut ; ceux qui, suivant l'expression consacrée, n'auront pas été "envoyés au fond" par quelque transatlantique géant, passant sur leur pauvre navire comme une locomotive broyant un grain de sable, ceux-là reverront la terre de France, où ils sont attendus avec tant d'anxiété et toucheront encore une fois ce rivage alternativement témoin de si vives allégresses et de si cruels désespoirs. Eh bien, Messieurs, ces braves gens que je voudrais vous faire connaître et aimer comme nous les connaissons et les aimons nous-mêmes, que demandent-ils ?—Pas autre chose que la certitude de pouvoir continuer ce dur métier qui a été celui de leurs pères et qu'ils veulent apprendre et transmettre à leurs fils.

Messieurs, j'ai les mains pleines de renseignements et de chiffres concernant nos pêcheries de Terre-Neuve. Je craindrais de vous fatiguer en les plaçant tous sous vos yeux. L'étude attentive que j'en ai faite me permettra de vous en soumettre un rapide résumé. Les ports de l'Ouest envoient annuellement à Terre-Neuve 10,000 marins rompus à la fatigue, familiarisés avec le danger, et dont toute flotte de guerre sur laquelle ils seraient, en cas de nécessité, embarqués du jour au lendemain, pourrait à bon droit se montrer fière. Ces 10,000 hommes laissent derrière eux autant de familles, qu'on doit évaluer, au minimum et en moyenne, chacune à cinq personnes, ce qui constitue, en comprenant nos marins, une population de 60,000 âmes directement intéressée aux pêcheries de Terre-Neuve.

Mais autour de ces familles, il faut aussi grouper toutes celles dont les nombreux membres sont employés par les industries auxiliaires de celle de la pêche ; les con-

structeurs de navires, les fabricants de gréements, et de tous les objets nécessaires à l'armement, à l'aménagement, à l'approvisionnement des bâtiments, &c.

On n'exagérera rien si, décuplant les chiffres précités, on évalue à 600,000 le nombre des personnes plus ou moins immédiatement intéressées à la pêche, et, dans ce nombre, veuillez le remarquer, Messieurs, je néglige de compter celles qui, sur tous les points de la France, font entrer dans leur alimentation une quantité plus ou moins grande des produits de la pêche de Terre-Neuve.

A ces propos, Messieurs, et puisque M. le Ministre de la Marine est présent, je solliciterai du Sénat la permission de lui demander s'il ne lui serait pas possible, dans l'intérêt de nos pêcheurs, inscrits maritimes formant l'élite des équipages de nos navires de guerre, d'étudier de nouveau la question de l'introduction de poissons salés dans l'alimentation des troupes. Ce projet, écarté d'une manière sommaire lorsqu'il a été présenté pour la première fois, mérite ce me semble un examen plus approfondi, et les populations de nos côtes apprendraient avec reconnaissance qu'il n'est pas à tout jamais abandonné et qu'un débouché nouveau et assuré est acquis aux produits de leur travail.

Cette courte analyse vous confirmera, je l'espère, Messieurs, dans votre conviction, sans doute ancienne, de l'importance des intérêts engagés dans la question que nous discutons.

Cette vérité établie, il me faut maintenant démontrer dans quelle mesure et par quels procédés ces intérêts sont mis en péril et de quelle façon nous entendons qu'ils soient protégés.

Messieurs, lorsqu'un membre de la Droite monte à cette Tribune, on peut être tenté de supposer qu'il y vient avec l'intention de faire échec au Gouvernement Républicain. Mais, je l'ai dit tout à l'heure, et je le répète, ce soupçon qui peut être justifié, lorsqu'il s'agit des principes sur l'application desquels nous ne transigerons jamais, doit disparaître quand nous poursuivons la solution de difficultés d'ordre extérieur, qui nous rallient tous autour des couleurs Françaises. Je ne puis vous en donner un témoignage plus formel qu'en vous priant de vouloir bien entendre la lecture d'une lettre adressée, quelques heures trop tard pour qu'il en pût faire usage, au cours du débat auquel il a pris part, à mon cher collègue, M. le Comte de Tréveneuc.

Cette lettre émane d'un des rares Conseillers-Généraux Républicains des Côtes-du-Nord. M. Besnier, armateur à Binic, est connu pour son attachement ancien aux institutions actuelles. Mais bien que se montrant, en toute occasion, l'un des adversaires les plus ardents du parti Conservateur, il n'ignore pas que, dans les Côtes-du-Nord, la divergence de nos opinions politiques n'a jamais mis obstacle au mutuel concours que nous nous prêtons, pour défendre les intérêts des populations représentées par nous, à des titres divers, mais avec un égal dévouement.

Voici, en quels termes il s'adresse à M. le Comte de Tréveneuc :—

"M. le Sénateur, *Binic le* 14 *Mars*, 1890.

"J'apprends à l'instant seulement que c'est aujourd'hui, 14 courant, que M. l'Amiral Veron doit interpeller au Sénat M. le Ministre des Affaires Étrangères sur nos pêcheries de Terre-Neuve. J'aurais voulu vous adresser quelques détails relatifs à cette pêche, et vous prier de faire connaître à l'Amiral Veron les procédés des Anglais à l'égard de nos nationaux, et comment ils entendent et pratiquent le respect des Traités.

"Vous savez combien j'ai eu a souffrir des entraves apportées à la pêche de nos navires par les pêcheurs Anglais, et les pertes énormes qui en ont été la conséquence.

"Continuellement en butte à leurs menaces, les capitaines de nos navires, qui occupaient le havre de Kirpon (partie nord de Terre-Neuve), et qui n'avaient pas les moyens matériels de faire respecter leurs droits, sollicitèrent M. le Commandant de notre division navale de venir leur prêter main-forte. Le bâtiment d'État "La Clorinde" fut expédié aussitôt au Kirpon, distant de 15 milles environ du lieu occupé par notre station et six de leurs trappes, qu'ils n'eurent pas le temps de faire disparaître, furent saisies par le Commandant Le Clère, et envoyées en dépôt au Gouverneur de Saint-Pierre.

"Défense leur fut faite, en outre, au nom des Traités consentis par les deux nations, de stationner dans les havres occupés par nos navires et d'y pratiquer la pêche concurremment avec nos nationaux. Mais le bâtiment de l'État à peine parti, ils se vengèrent sur nos marins, qu'ils maltraitèrent, installèrent de nouvelles trappes, et mirent ainsi nos pêcheurs dans l'impossibilité de continuer la pêche.

"Il en est résulté pour M. Dupuis-Robial et pour moi une perte de 150,000 fr d'après un Rapport du Commandant Le Clère à la suite de l'enquête officielle ordonnée par M. le Ministre de la Marine à la côte de Terre-Neuve et dans notre circonscription maritime.

"En pareil cas, le Gouvernement Britannique n'hésite pas à réclamer et à obtenir satisfaction pour ses nationaux, ou à confisquer nos navires qui s'aventurent dans les parages qui leur sont assignés par les Traités. C'est ainsi que le Commandant de la division Anglaise donna ordre de capturer, il y a deux ans, deux goélettes Françaises qui défilaient sous voiles pour pêcher du capelan, petit poisson qui sert d'appât à la morue, et les fit escorter jusqu'à Saint-Jean où elles furent condamnées sommairement à des amendes considérables sous peine de confiscation.

"Pendant ce temps-là, leurs navires peuvent venir impunément dans nos havres au mépris des Traités; s'y livrer à la pêche concurremment avec nos marins, et lorsque, à la suite d'une enquête officielle qui établit péremptoirement l'atteinte portée à nos droits et fixe le montant du préjudice qui nous a été causé, notre Gouvernement fait adresser, par notre Ambassadeur à Londres, une réclamation qui n'est que trop fondée, le Gouvernement Britannique se borne à répondre par l'organe de Lord Salisbury 'que notre réclamation repose moins sur un préjudice direct que sur un manque à gagner malaisément appréciable.'

"Il est juste d'ajouter que M. Flourens, alors Ministre des Affaires Étrangères, déclara qu'il ne considérait pas que cette fin de non recevoir dût clore le débat, et il invita M. Waddington à faire une nouvelle démarche auprès du Cabinet de Londres.

"Depuis ce temps, la question n'a pas fait un pas, malgré les promesses de M. Goblet et de M. Spuller, qui n'a même pas répondu à ma lettre du 27 Janvier dernier.

"Dans le cas où l'interpellation n'aurait pas lieu aujourd'hui, comme quelques journaux l'ont annoncé, je vous serai reconnaissant, M. le Sénateur, de vouloir bien en communiquer le contenu à M. l'Amiral Veron.

"Je vous prie d'agréer, M. le Sénateur, l'assurance de mes sentiments les plus respectueux.

(Signé) "Alf. Besnier."

Vous reconnaîtrez avec moi, Messieurs, que cette lettre, outre l'intérêt qu'elle comporte, méritait de vous être communiquée, ne fût-ce que pour vous donner la mesure de la déférence réciproque qui préside, dans notre département, aux relations que notre mandat nous crée parfois le devoir d'entretenir avec nos adversaires politiques. M. Besnier ne pouvait douter de l'accueil empressé réservé à sa communication, qui ne m'était pas primitivement destinée, comme je l'ai expliqué, et que le concours de circonstances auquel j'ai fait allusion, m'a rendu le dépositaire.

Il me serait facile, Messieurs, de collectionner les documents de ce genre. Celui-ci me paraît suffisant pour permettre de résumer ainsi la situation; d'une part, des droits formels, précis, incontestables; de l'autre, une usurpation incessante et de plus en plus audacieuse de ces droits, accomplie à l'aide des procédés les plus violents.

En présence d'aussi intolérables abus on peut dire d'aussi graves offenses, quelle a été, en dernier lieu, l'attitude du Gouvernement? Les plus récentes manifestations de ses intentions se trouvent consignées dans le *modus vivendi* dont M. le Ministre des Affaires Étrangères a donné lecture au Sénat le 25 Mars dernier.

Or, Messieurs, cet acte ne nous offre qu'une série de contradictions; veuillez en juger. Les premiers mots impliquent de notre part une hésitation sur la validité de nos droits, que nous nous bornons à réserver, sans les affirmer nettement. Puis, nous admettons pour la saison de pêche qui vient de s'ouvrir,—dans quelles tristes conditions, vous pouvez le pressentir—le maintien du *statu quo* antérieur au 1er Juillet 1889, c'est-à-dire la consécration momentanée objectera-t-on, mais en réalité aussi imprudente qu'injustifiable, des entreprises dont nous sommes victimes. Puis, vous tolérez de nouveaux empiètements, en invitant le Commandant de nos forces navales à s'y prêter, de concert avec le Commandant de la station Anglaise; et enfin vous terminez par cette disposition d'une naïveté inattendue dans un document diplomatique, consistant à établir qu'en cas de difficultés,—et Dieu sait s'il s'en produira,—les deux chefs de station, représentant des intérêts diamétralement opposés, statueront d'un commun accord!

Si au lieu de chercher une formule pour dissiper le conflit, on en avait souhaité une pour le créer ou le rendre plus aigu, il eût été difficile de trouver mieux.

Monsieur le Ministre, nos pêcheurs ne se paient pas de mots; ils appellent les choses par leur nom. Quand on leur dira que tel est le *modus vivendi*, que telle est la manière de vivre que le Gouvernement dont vous êtes membre a acceptée en leur nom, nos pêcheurs vous répondront que, pour eux, il n'existe qu'un seul *modus vivendi*, qu'une seule manière de vivre, qui est de prendre beaucoup de poisson; et que, pour le faire, il faut qu'ils puissent compter d'une manière certaine sur la protection de notre pavillon, à l'abri duquel ils ont le droit de se livrer avec sécurité à leur pénible métier.

Les promesses de négociations ultérieures qu'on leur fait entrevoir sont lettre morte pour eux. Ils savent qu'ils ont un droit exclusif de pêche sur le "French Shore;" ils n'en demandent pas davantage, et ils réclament de la marine de guerre, qui, pour son service, leur prend leurs meilleures années, de leur assurer l'exercice intégral et paisible de ce droit.

Il est certain qu'ils ne feront pas d'émeutes, qu'ils ne demanderont pas la journée de huit heures et des augmentations de salaire correspondant à la diminution des heures de travail. Ces idées extravagantes ne hantent pas leurs esprits droits. Ces conceptions maladives ne troublent pas leurs cœurs loyaux.

En revanche, ils ont conservé une si haute idée de la dignité de la France, de sa puissance, du prestige qu'elle doit exercer, leur patriotisme est demeuré si intact et si pur, ils sont en même temps si épris et si jaloux de l'honneur national, que jamais ils n'admettraient qu'on y portât la moindre atteinte. (Très bien! très bien! à Droite.) Ne leur parlez donc pas de négociations, d'arbitrages, de compensations, que sais-je? Ils ne comprendraient pas, ils ne consentiraient pas.

Et c'est grâce à l'irrésistible force de ces nobles sentiments de nos marins, que la mission de notre diplomatie me paraît bien simplifiée.

Le 25 Mars dernier, à cette tribune, M. le Ministre des Affaires Étrangères s'exprimait en ces termes, reproduits par le "Journal Officiel":—

"Je n'hésite pas à affirmer, comme l'ont fait mes prédécesseurs, que ce droit de pêche inscrit dans les Traités est absolu, exclusif, qu'il ne comporte aucune distinction."

Quand on a dit cela, M. le Ministre, on a le devoir de mettre ses actes en accord avec ses paroles et de répondre aux propositions de l'Angleterre que la France s'en tient à son droit et l'exercera sans modifications.

Si l'Angleterre invoque les changements apportés par le temps dans les relations entre les peuples, si elle réclame en faveur de sa Colonie l'application du principe des nationalités, on lui demandera si, par hasard, elle songerait à restituer à Malte son autonomie; à rendre à l'Espagne Gibraltar, dont la possession lui a été assurée par ce même Traité d'Utrecht qui nous a conféré nos droits sur Terre-Neuve; à abandonner l'Inde aux Indiens, les Iles Normandes à la France et enfin Terre-Neuve aux Terre-Neuviens; et le problème ainsi posé, il est douteux qu'elle insiste.

Quant aux Terre-Neuviens, dont la presse reproduisait récemment—je me sers des expressions du journal le "Siècle"—"les écarts de langage," nous ne les connaissons que comme vassaux de la Couronne Britannique, et c'est avec la Puissance Suzeraine que nous traitons par-dessus leur tête.

J'espère que M. le Ministre des Affaires Étrangères va convenir avec nous que c'est ainsi qu'il comprend la situation; qu'en raison même de la position délicate que la forme de son Gouvernement impose à la France, au milieu de l'Europe Monarchique, il lui semble Impérieusement commandé de ne rien sacrifier de ses droits.

Le pays a accepté sans murmurer tous les sacrifices qui lui ont été demandés pour l'armée et pour la marine. Le moindre résultat qu'il en puisse attendre est la possession de sa complète indépendance.

L'occasion de l'affirmer, en soutenant la plus légitime des causes, nous est offerte aujourd'hui; j'aime à croire que nous saurons la saisir. (Approbation sur un grand nombre de bancs.)

Demande d'Interpellation.

M. le Président.—Avant de donner la parole à M. le Ministre des Affaires Étrangères, je dois donner communication au Sénat d'une lettre qui m'est écrite par M. Allègre, et dont voici les termes:—

"M. le Président,

"J'ai l'honneur de demander à interpeller M. le Ministre du Commerce, de l'Industrie, et des Colonies sur la situation politique, administrative, et économique de la Martinique."

M. Jules Roche (Ministre du Commerce, de l'Industrie, et des Coloies).—M. le Sous-Secrétaire d'État aux Colonies étant absent, je prierai le Sénat de vouloir bien renvoyer à une prochaine séance la fixation du débat.

M. le Président.—Il n'y a pas d'opposition ?

La date de l'interpellation sera fixée à la prochaine séance.

La parole est à M. le Ministre des Affaires Étrangères.

Reprise de la Discussion.

M. Ribot (Ministre des Affaires Étrangères).—Messieurs, l'honorable Sénateur qui descend de la tribune a, dans un langage un peu imagé, mais auquel il ne m'en coûte pas de m'associer, rendu hommage à la vaillance et aux qualités laborieuses de nos marins.

Le Gouvernement manquerait à tous ses devoirs s'il n'avait pas à cœur de défendre en toute circonstance les intérêts de ces populations maritimes qui sont la réserve la plus précieuse de notre force militaire. Je puis dire au Sénat que les intérêts des pêcheurs à Terre-Neuve—et je ne parle pas seulement du "French Shore," mais de toute la région de Terre-Neuve—ne sont pas, en ce moment, en souffrance et ne doivent pas nous causer d'alarmes.

L'année 1887, qui a été marquée par les difficultés auxquelles on a fait allusion, est celle où on trouve le maximum des marins occupés à la pêche dans ces régions. Croyez que ce n'est pas un fait accidentel et que, depuis 1887, il y a une progression constante. En 1887, il y a eu 6,922 pêcheurs occupés tant à la pêche qu'à la préparation du poisson. En 1888, il y en a eu 7,695. En 1889, nous n'avons pas encore le chiffre définitif, mais nous avons un chiffre provisoire de 8,352.

Ce n'est pas assurément une raison pour le Gouvernement de se départir le moins du monde de la vigilance avec laquelle—quoi qu'en ait dit l'honorable préopinant—il défend le droit des pêcheurs ; mais j'ai cru que le Sénat écouterait avec satisfaction la lecture de ces simples chiffres qui montrent que les grands intérêts dont la défense a été apportée à cette tribune et que le Gouvernement n'oublie pas, ne sont pas en souffrance. (Très bien ! très bien !)

Je ne puis que remercier l'honorable M. Bozérian de la façon dont il a exposé, avec toute l'ampleur nécessaire, les titres de la France dans cette région de Terre-Neuve. J'ai bien compris son intention. Il n'a pas voulu affaiblir l'action du Gouvernement, il n'a pas voulu critiquer cette action dans le passé ; ce qu'il a voulu—et cela paraissait être utile, nécessaire dans une certaine mesure—c'était rassembler en quelque sorte les titres que nous avons à faire valoir, les mettre en pleine lumière et démontrer ainsi à ceux qui les méconnaîtraient le bien fondé et la valeur de nos réclamations. (Approbation sur un grand nombre de bancs.)

Après cette démonstration, que le Sénat a écoutée avec toute l'attention qu'elle méritait, je n'ai pour ma part rien à y ajouter, par la raison fort simple que je la tiens pour absolument solide et parfaitement décisive. (Approbation.)

L'honorable M. Bozérian vous a rappelé l'origine de nos droits dans ce Traité de 1713 qui est parfaitement clair et qui a été, d'ailleurs, complété par les Traités de 1763, 1783, et 1814.

Le Gouvernement Français, Messieurs, à toutes les époques, a considéré en effet qu'il n'y avait dans ces textes aucune ambiguïté, aucune incertitude—(marques d'approbation)—que ces Traités nous assuraient non seulement le droit général de pêche qui, malgré toutes les subtilités de langage s'applique, de l'aveu même des Terre-Neuviens, à toutes sortes de poisson puisqu'ils en sont réduits, soit à lire inexactement le Traité comme dans cet article de journal cité devant vous, soit à imaginer une distinction de pure fantaisie contre le poisson qu'on prend et le poisson qu'on pêche. Nous avons toujours considéré que le droit était général et qu'il était exclusif, en ce sens que sur le "French Shore" il y avait pour les pêcheurs Français un droit qu'ils pouvaient faire valoir à l'encontre des pêcheurs de toute autre nationalité, et particulièrement des Anglais, et qu'on ne pouvait troubler par aucune intervention ni par aucune concurrence. (Très bien ! très bien !)

Cela a éte dit, à cette tribune même, par mes honorables prédécesseurs ; je l'ai rappelé dans les très courtes déclarations que j'ai faites moi-même au mois de Mars dernier en réponse à une question de M. l'Amiral Veron.

Je n'hésite pas à répéter cette déclaration comme conclusion de l'appel que m'a adressé M. Bozérian.

Mais je ne puis pas laisser sans une réponse l'assertion de l'honorable M. de l'Angle-

Beaumanoir que le Gouvernement qui nous a précédé aurait abandonné les droits de la France, que, dans ce *modus vivendi* auquel il a été amené, dans les conditions que je vous ai expliquées précédemment, il aurait sacrifié quelque chose de nos droits. M. de l'Angle-Beaumanoir n'aura qu'à relire le préambule même de la Déclaration signée par l'Angleterre et la France pour voir que nous avons réservé absolument, dans toute leur intégrité, les droits que nous tenons des Traités.

M. de l'Angle-Beaumanoir doit bien se rendre compte qu'il ne suffit pas qu'un Gouvernement ait conscience des droits qui appartiennent à la France, qu'il ne suffit pas qu'en toute circonstance il les ait défendus dans le langage le plus ferme, le plus énergique, pour éviter des difficultés et pour éviter quelquefois l'approche d'un conflit que, pas plus que nous certainement, M. de l'Angle-Beaumanoir ne saurait souhaiter, entre l'Angleterre et la France.

Il a paru que cette question des pêches avait pris dans les derniers temps un tour si vif, que les difficultés étaient devenues tellement aiguës qu'il était indispensable, avant de reprendre une négociation au fond, d'assurer, par un *modus vivendi* provisoire et pour la campagne qui s'ouvrait, une communauté de vues entre les Gouvernements Anglais et Français. C'est dans cet esprit que les deux Gouvernements ont rédigé la Déclaration que vous connaissez, et qui se résume en quelques mots.

Pendant la campagne de 1890 il ne sera innové que si la France et l'Angleterre y consentent—la France et l'Angleterre représentées par les Commandants de leurs flottilles;—on prendra pour base le *statu quo* tel qu'il existait au 1er Juillet, 1889. Voilà ce qui a été fait et, je le répète, sans aucun abandon et sans aucune volonté d'abandon de la part de la France. (Très bien! très bien!) Qu'il fût préférable pour nos pêcheurs d'obtenir une reconnaissance immédiate pleine et entière du bien fondé de nos revendications? je ne le contesterai pas; mais je dois constater, parce que c'est la vérité, que ce *modus vivendi* a produit à Terre-Neuve une émotion singulièrement plus intense que celle qu'il a pu exciter parmi nos pêcheurs. Je n'ai pas à faire passer sous vos yeux le texte des Résolutions plus que vives qui ont été prises dans des meetings d'indignation à Terre-Neuve; je n'ai pas à vous parler de l'envoi de Délégués que la Colonie a expédiés à Londres et jusqu'au Canada; je n'ai pas apporté ici les articles publiés à Terre-Neuve. Vous avez dit tout à l'heure qu'ils étaient particulièrement désobligeants pour la France. Cela est possible; mais ils ne le sont pas moins pour la diplomatie Anglaise, et je pourrais vous citer les termes dans lesquels on prétend que si la diplomatie Française a été fort habile, la diplomatie Anglaise aurait, au contraire, donné la mesure de sa faiblesse.

Ce sont là des aménités auxquelles il ne faut pas attacher, de part ni d'autre, une grande importance. Ce qui est certain, à l'heure qu'il est, c'est que l'arrangement suscite à Terre-Neuve un grand mécontentement, que dans une adresse qui vient, dit-on, d'être rédigé par un Comité des deux Chambres, on déclare qu'on s'opposera même à un arbitrage. Ce n'est pas à nous de répondre à ce qui peut se dire, soit au Parlement, soit dans la presse de Terre-Neuve.

Comme l'a très bien dit l'honorable M. de l'Angle-Beaumanoir, nous n'avons pas à traiter avec Terre-Neuve ni avec ses représentants; nous ne connaissons que l'Angleterre, son Parlement, son Gouvernement; et je dois dire, parce que c'est la vérité et la justice, que l'attitude, le langage du Gouvernement Anglais, dans les nombreuses occasions où il a été interrogé à la Chambre des Communes, a été absolument correct, l'honorable M. Bozérian l'a reconnu lui-même.

Sir James Fergusson a déclaré que le Gouvernement Anglais ne s'associerait aux réclamations de Terre-Neuve qu'autant qu'elles seraient conformes aux Traités, et qu'il ferait respecter les Traités et les Arrangements auxquels l'Angleterre a mis sa signature. Que cela lui soit aisé ou malaisé, peu importe! Elle a mis sa signature, elle la fera respecter par les habitants de Terre-Neuve.

Quelle doit être notre attitude dans ces conditions? C'est d'attendre avec confiance que le Gouvernement Anglais fasse exécuter l'Arrangement qu'il a conclu et de rechercher ensuite comment nous pourrons arriver à un règlement définitif de cette question, qu'il ne faut pas laisser s'envenimer et s'aigrir trop longtemps.

Nous y ferons tous nos efforts. Vous comprendrez qu'en ce moment je ne puis pas vous donner une indication plus précise; ce serait une imprudence de ma part. Tout ce que je puis dire, c'est que nous nous inspirerons à tout moment des sentiments qui animent cette Assemblée, c'est-à-dire du désir de défendre efficacement les intérêts et les droits de la France. (Très bien! très bien!)

Si le Sénat veut s'associer au Gouvernement dans cette pensée, s'il veut dire qu'il compte sur notre persévérance à défendre nos droits, qui résultent des Traités, il ne

pourra que nous donner une force de plus. (Vive approbation.) Et, pour ma part, je ne pourrai que l'en remercier. (Très bien ! très bien ! et applaudissements répétés.)

M. le Comte de Tréveneuc.—Je demande la parole.

M. le Président.—La parole est à M. Tréveneuc.

M. le Comte de Tréveneuc.—Messieurs, je vous prie d'être sans inquiétude ; je ne viens pas vous imposer un discours, désormais inutile ; quelques paroles seulement, et je descends de la Tribune.

M. de l'Angle-Beaumanoir, dans un excellent discours, vient de vous dire les intérêts de toutes sortes que nous avons à l'exécution de nos Traités.

Il vous a exprimé d'une manière qui a dû vous toucher la situation de nos populations Bretonnes. Et moi, qui ai passé toute ma vie au milieu de ces populations maritimes si sages, si patriotiques, si dévouées à la France, je vous demande aussi de leur donner votre bienveillance et votre appui. Notre éminent collègue M. Bozérian, avec son esprit que vous avez apprécié, avec sa haute compétence des choses de la jurisprudence et du droit international, vous a démontré d'une façon irréfutable les droits que nous donnent sur les pêcheries de Terre-Neuve les divers Traités qui, depuis 1713 jusqu'en 1814, n'ont jamais été contestés.

Je ne reviendrai pas là-dessus ; vous êtes convaincus, et le Gouvernement Anglais, s'il est de bonne foi, est certainement convaincu lui-même. Maintenant, M. le Ministre des Affaires Étrangères, dans son langage toujours éloquent, vient de vous dire qu'il soutiendrait énergiquement, et de toutes les façons possibles, les droits de la France ; il nous demande d'en être persuadés, nous n'en doutons pas ; mais ce dont on peut douter, c'est des résultats probables de ses efforts et de la satisfaction que pourront nous donner les arrangements qu'il nous fait espérer. Il y a longtemps, Messieurs, qu'on négocie et qu'on n'aboutit à rien. L'arrangement provisoire dont on a parlé, est, à mon sens, outrageant pour la France et désastreux pour nous ; ce sont des voleurs qui viennent nous dire : Nous resterons chez vous jusqu'à ce qu'il nous plaise d'en sortir ; d'ici là nous ferons ce que nous voudrons, et nous verrons plus tard.

Je regrette beaucoup que le Gouvernement ait accepté ce *modus vivendi*. C'est fait, parlons de l'avenir. Nous voulons espérer qu'on y sauvegardera les intérêts et la dignité de la France. On dit, dans les journaux Anglais, que l'Angleterre est très embarrassée et qu'elle-même négocie avec le Parlement de Terre-Neuve. Quelle fin de non-recevoir ! quelle plaisanterie ! Est-ce que l'Angleterre a besoin de négocier avec sa Colonie ? Est-ce qu'elle n'est pas la Souveraine de Terre-Neuve ? Tant qu'elle ne lui aura pas donné son autonomie absolue, elle doit lui imposer l'obligation de remplir les engagements qu'elle-même a contractés. (Marques d'approbation.)

Les Anglais, Messieurs, nous mettent vraiment à de rudes épreuves. Il serait absurde que deux grandes nations comme la France et l'Angleterre en vinssent à un conflit sérieux au sujet d'une question relativement secondaire en comparaison de leurs grands intérêts politiques et commerciaux.

Les Français et les Anglais sont amis et veulent rester amis ; mais, dans toute amitié sincère, les concessions doivent être réciproques, les sacrifices partagés.

Eh bien ! permettez-moi de vous le dire, c'est le contraire qui arrive le plus souvent, en ce qui concerne la France et l'Angleterre.

Par exemple, on parle beaucoup en ce moment—je ne veux pas introduire dans ce débat une question financière—mais on parle beaucoup d'une concession qui nous serait demandée bien plus au profit de l'Angleterre que de l'Égypte, et qui porterait un grand dommage à des intérêts Français, sans la compensation politique promise, à savoir, l'évacuation de l'Égypte par l'armée Anglaise ; voilà encore une preuve des procédés des Anglais à notre égard. Subirons-nous encore ce dommage, cette humiliation ? J'aime à espérer qu'il n'en sera pas ainsi.

Quand on est amis, Messieurs, il faut, comme je le disais tout à l'heure, que les sacrifices soient également partagés. Vous savez tous l'histoire d'Oreste et de Pylade. Dans nos rapports d'amitié avec l'Angleterre, nous jouons trop souvent le rôle de Pylade. Je demande que cette situation ait un terme. Les bons comptes font les bons amis. Ce que nous voulons, c'est qu'on arrive à un arrangement équitable et définitif, c'est-à-dire, qu'il faut exiger, comme nous avons le droit et le devoir de le faire, la pleine exécution des Traités. (Marques nombreuses d'approbation.)

M. le Président.—La parole est à M. Bozérian.

M. Bozérian.—Messieurs, m'inspirant des paroles prononcées par M. le Ministre des Affaires Étrangères et de sa pensée, je viens déposer l'ordre du jour suivant, que je soumets à l'appréciation du Sénat :

" Le Sénat, approuvant les déclarations du Gouvernement et comptant sur sa

persévérance à faire respecter les droits de pêche conférés à la France sur les côtes de Terre-Neuve par les Traités conclus avec l'Angleterre de 1713 à 1814, passe à l'ordre du jour." (Très bien! très bien!)

M. le Marquis de l'Angle-Beaumanoir.—Nous nous rallions à cet ordre du jour.

M. le Ministre des Affaires Étrangères.—Le Gouvernement accepte cet ordre du jour.

M. le Président.—Personne ne demande la parole sur l'ordre du jour? Je le mets aux voix.

(L'ordre du jour, mis aux voix, est adopté.)

Voix nombreuses.—A l'unanimité.

M. le Président.—L'ordre du jour est adopté à l'unanimité. (Applaudissements.)

No. 210.

Colonial Office to Foreign Office.—(Received May 24.)

Sir, *Downing Street, May 24, 1890.*

IN reply to your letter of the 12th instant, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, a copy of the Proclamation issued by Sir T. Cochrane, the Governor of Newfoundland, on the 8th June, 1827 (not 1828, as stated in the extract from "Le Matin" which accompanied your letter).

Sir T. Cochrane was absent from Newfoundland from the 12th October, 1827, to the 12th August, 1828.

It will be observed that the words, "réservée aux sujets Français," do not occur in this Proclamation.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 210.

Proclamation.

(L.S.) THOS. COCHRANE.

By his Excellency Sir Thomas John Cochrane, Knight, Governor, &c., &c.:

WHEREAS complaints have been laid before me that for several years past divers ill-disposed persons employed in the British fisheries have, in their progress to the northern and Labrador fisheries, touched with their boats and schooners in several of the ports and harbours upon that part of this island commonly called the "French Shore," to which the subjects of France resort to carry on the fishery, and have there committed many outrages upon the property of the French fishermen, and in several instances have stolen various articles from them, such as salt, fishing craft, &c., and also maliciously destroyed other property:

I, the Governor, do therefore forewarn all such evil-minded persons that, upon any repetition of such acts of violence, I will cause the most rigorous proceedings the law will allow to be instituted against the perpetrators of all such outrages; and in order the more effectually to bring them to justice, the French authorities will be instructed to apprehend, and bring to St. John's for trial, all persons detected committing such offences.

Given, &c., the 8th day of June, in the eighth year of His Majesty's reign.

By his Excellency's command,

(Signed) W. A. CLARKE, *Secretary.*

No. 211.

The Marquis of Salisbury to M. Jusserand.

M. le Chargé d'Affaires, *Foreign Office, May 29, 1890.*

HER Majesty's Government have given their careful attention to M. Waddington's note of the 5th ultimo, in which his Excellency defends the action of the Commander of the French vessel of war "Drac" in removing certain lobster-traps set by British subjects in St. Margaret's Bay, on the Newfoundland coast.

It would serve no useful purpose that I should renew on this occasion the controversy as to the respective rights of British and French fishermen to catch and preserve lobsters on that part of the coast to which the Treaties apply. The arguments which either party has brought forward in support of its views have not sufficed to convince the other, and the two Governments are agreed, while seeking a permanent adjustment of the difference, to treat in a spirit of compromise and mutual forbearance any questions which may arise while the negotiations for that adjustment are going on.

In the particular case under consideration, the delimitation of the British and French lobster fisheries, to which M. Waddington alludes as having been proposed by the Commander of the French naval station, appeared to Sir B. Walker to be so manifestly unfair to the British establishments that the latter felt himself unable to agree to it. The result, in his opinion, would have been practically to have ruined the British fishery in this locality.

The claim of the French Naval Commander subsequently to enforce this delimitation without further reference to the British naval officers is not one which Her Majesty's Government can admit. Nor, according to the accounts which have been furnished to them, were the British lobster-traps which were removed intermingled with those of the French fishery so as to constitute an actual interruption. It was not until after their removal that the French traps were placed in the same spot.

M. Waddington states, in justification of the action of the Commander of the "Drac," that "Des droits réels, tangibles, nous ont été concédés par les Traités, nous avons la faculté d'en user en toute liberté sans interruption ni trouble. Qu'un cas de trouble ou de gêne se produise, nul que nous est en situation de l'apprécier; nous ne pouvons déléguer à personne un soin pareil, ni placer en mains tierces un pouvoir de limitation de nos droits, pouvoir qui échapperait à notre contrôle."

The doctrine laid down in these general terms seems to Her Majesty's Government to be both novel and dangerous, and I would ask whether his Excellency is prepared to admit that in cases of rights secured by Treaty to British subjects within French territorial jurisdiction Her Majesty's Government are to be regarded as the sole judges whether such rights are infringed, and as entitled to direct British officers to vindicate them by force against French citizens, without any reference to the French authorities.

The case, however, is not one of ordinary Treaty stipulations. The instrument by which the French fishermen are secured from "gêne," or interruption, is in the form of a Declaration of the intentions of the King of England, which was accepted by a counter-Declaration of the Court of France as entirely satisfactory. It states that "His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them upon the coasts of the Island of Newfoundland."

But it contains nothing whatever that implies the right of the French naval officers to carry into execution the proclaimed intentions of the English King according to their own judgment and discretion, and, by forcible measures, to exclude his subjects from any portion of the coast.

Her Majesty's Government willingly recognize the general moderation and courtesy of the French officers who have been employed in watching the fisheries on the Newfoundland coast. But they are unable to admit that those officers are invested with any authority to control the fishing operations of British subjects, and they earnestly trust that in the season now commencing the French Naval Commanders will carefully abstain from such acts of interference, and will have recourse to the intervention of the British cruizers in any cases which may seem to require it. In the present excited state of popular feeling in the Colony a different course might have results which both Governments are most anxious to avoid.

The British naval officers have instructions to do all in their power for the protection of French rights as recognized by Her Majesty's Government. They will abstain, as they have always done in the past, from interference with the French fishery, and Her Majesty's Government feel that there is nothing unreasonable in expecting that, under these circumstances, French officers will abstain from attempts to exercise authority over British subjects within British territorial jurisdiction, and, according to general international usage, will appeal to British officers in cases where the Treaty obligations of Great Britain are involved.

I have, &c.
(Signed) SALISBURY.

No. 212.

Lord Knutsford to Lord Stanley of Preston.

My Lord, *Downing Street, June* 2, 1890.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th April, inclosing copy of an approved Report of a Committee of the Privy Council expressing the wish of your Government to present a remonstrance to Her Majesty's Government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland Bait Act.

In reply, I cannot do more than refer you to my telegram of the 8th May* in answer to yours of the 28th April, in which you communicated to me the substance of the Report of your Privy Council now under acknowledgment.

I have, &c.
(Signed) KNUTSFORD.

No. 213.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, June 16.)

My Lord, *Citadel, Quebec, May* 31, 1890.

WITH reference to my telegraphic message of the 28th ultimo and to your Lordship's telegram of the 8th instant, respecting the Newfoundland Bait Act, I have the honour to forward herewith a copy of an approved Minute of the Privy Council, submitting a Report of the Minister of Marine and Fisheries on the subject.

Your Lordship will observe that a copy of this Minute will be forwarded to the High Commissioner for Canada with a view to his presenting in person the Canadian side of the case.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No. 213.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council, May 29, 1890.

THE Committee of the Privy Council have had under consideration a despatch dated the 15th April, 1890, from the Governor of Newfoundland, on the subject of the enforcement of the Newfoundland Bait Act against Canadian fishermen, and a telegram of the 8th May, 1890, from Lord Knutsford in connection therewith.

The Committee concurring in the annexed Report of the Minister of Marine and Fisheries, to whom the matter was referred, advise that your Excellency be moved to forward a copy hereof to the Governor of Newfoundland, and to the Right Honourable the Secretary of State for the Colonies.

The Committee further advise that a copy hereof be also forwarded to the High

* Inclosure 15 in No. 207.

Commissioner for Canada in London, with a view to his presenting in person the Canadian side of the case.

All which is respectfully submitted for approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Inclosure 2 in No. 213.

Mr. Tupper to Lord Stanley of Preston.

Ottawa, May 26, 1890.

THE Undersigned, adverting to the despatch of Sir Terence O'Brien to your Excellency dated the 15th April, 1890, and to the cable message of the 8th May from Lord Knutsford, has to observe that in the year 1886 an Act was passed by the Legislature of Newfoundland entitled "An Act to Regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes." This Act was in February 1887 disallowed by the Imperial authorities.

On the 21st February, 1887, the Legislature again passed an Act entitled "An Act to Regulate the Exportation and Sale of Herring, Capelin, Squid, and other Bait Fishes."

Upon the 11th April, 1887, a Minute of Council was approved by his Excellency Lord Lansdowne, in which various objections on the part of Canada to this legislation were mentioned. In this Minute it was shown that under the Act—

1. Our fishermen upon the Grand Banks would be cut off from their free supply of bait, either by purchase or catch.

2. Our fishermen upon the coast of Labrador would be debarred from the privilege of free catch of herring and their hitherto untrammelled trading in herring.

3. Whatever trade was then done by Canadian vessels in herring, or bait-fishes, upon the Newfoundland coast, would be no longer left free.

The Minister of Justice, to whom the Report of the Minister of Marine and Fisheries (upon which the said Minute was based) was referred, concurred in the views therein expressed, and submitted the following observations :—

"It seems desirable that the attention of Her Majesty's Government should be called to some of the very unusual provisions of this Bill. The prohibition in reference to purchasing bait extends to all places on or near any part of the Colony of Newfoundland and its dependencies. This really gives no limit to the extent of the enactment capable of being defined, and, inasmuch as a violation of the provisions of the Bill is to be followed by very heavy penalties, he, the Minister of Justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

"The Bill gives extraordinary jurisdiction to Stipendiary Magistrates. The most stringent Acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the Vice-Admiralty Courts. The Stipendiary Magistrates' Courts are inferior Tribunals, without any regular legal procedure, and presided over by persons who are not necessarily possessed of legal qualifications.

"The Bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction half of the fine goes to the prosecutor; on acquittal the prosecutor is still to be rewarded; so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

"It is to be observed that the appeal which is to be given from a Stipendiary Magistrate's decisions is of little advantage, as the fishing season would probably be passed and a captured vessel be rendered comparatively useless before the termination of the appeal."

A remonstrance against the Royal Assent being given to the Act was accordingly forwarded to Her Majesty's Principal Secretary of State for the Colonies.

This despatch was referred by Her Majesty's Government to Sir R. Thorburn and Sir A. Shea, who had been delegated by the House of Assembly of Newfoundland to make representations to Her Majesty's Government on the subject of this Bill. Appended to this Report are copies of their replies.*

The assurance contained therein that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be no restrictions on the

* See Inclosures 3 and 6 in No. 52.

bait supply of any British subjects, were deemed by Her Majesty's Government to offer, in the language of Sir Henry Holland, Secretary of State for the Colonies, "sufficient safeguards for Canadian interests," and consequently, Sir Henry Holland went on to say in his despatch to Lord Lansdowne, "Her Majesty's Government did not, therefore, hesitate to advise Her Majesty's assent to it."

Accordingly, the following Minute of Council was, on the 11th October, 1887, approved by his Excellency Lord Lansdowne:—

"The Committee of the Privy Council have had under consideration a despatch, dated the 20th May, 1887, from Sir Henry Holland, inclosing copies of correspondence which had passed between the Colonial Office and Representatives of the Government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

"The Minister of Marine and Fisheries, to whom the papers were referred, reports as follows: 'It appears from the correspondence that a copy of the Minute of Council, dated the 11th April, 1887, urging the objection taken by the Canadian Government to the Bait Bill becoming law, was submitted to Sir R. Thornburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the Government of Newfoundland in the passage of this Bill were not actuated by any desire to curtail the privileges of British fishermen, and had no intention of allowing the law to be operated to their prejudice; that no Regulations were proposed which would unnecessarily hamper the operations of their own British fishermen, and that every facility would be afforded for procuring the licences under the Act.'

"Sir R. Thorburn also authorized the dispatch of a telegram by the Attorney-General of Newfoundland to the Canadian Government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects.

"These assurances appear to Her Majesty's Government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the Bill.

"The Committee concurring in the Report of the Minister of Marine and Fisheries, respectfully recommend that your Excellency be moved to transmit a copy of the despatch above mentioned and inclosures (permission having been obtained from the Colonial Secretary) to his Excellency the Governor of Newfoundland, for the consideration of his Ministers, and with a request that they will indicate at the earliest convenient period the nature of the Regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

"The Committee further recommend that your Excellency be also moved to transmit a copy of this Minute to his Excellency the Governor of Newfoundland."

It is to be further observed that Sir G. William Des Vœux, Governor of Newfoundland, in his despatch of the 14th January, 1887,* addressed to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, when urging the allowance of this Bill, argued entirely upon the grounds that it was aimed solely against foreign fishermen, and Sir G. William Des Vœux, in this despatch, stated:—

"I may mention that every day's delay is causing loss to this Colony, in restricting preparations for next season's fishing; for the allowance of this Bill would be at once followed by a large increase in the number of British vessels employed in the Bank fishing: and even now it is too late, in some cases, for arrangements that would enable advantage to be taken of the earliest portion of the season.

"Moreover, it is only fair to the French that if they are to be prohibited from procuring bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly, it being probable, as regards the large number of vessels which annually leave France for these fishing grounds, that preparations are being made already for their dispatch in order to enable them to obtain bait and commence fishing at the beginning of April; and thus, not merely in the interest of this Colony and Canada, but for the sake of international comity, I would respectfully urge that, in the absence of a fixed decision against this measure, the delay which has already taken place in respect of its allowance should not be further prolonged."

Upon the 20th April, 1887, the Minister of Marine and Fisheries received, at Ottawa, the following telegram from the Government of Newfoundland:—

"We learn with surprise and regret that your Government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance

* No. 41.

no interference or hindrance whatever of Canadian fishermen contemplated. Act necessary framed so as to confer upon Governor discretionary powers in granting licences to sell or export bait, our only object being to prevent supply to foreign subsidized rivals. Fullest rights and privileges of all British fishermen to take or purchase for their own use as hitherto enjoyed will be maintained. Please communicate this information to your representative or agents in London, to remove objection to our Act, and promote Royal Assent.

(Signed) "ATTORNEY-GENERAL."

In June 1889, the Legislature of Newfoundland passed "An Act to Amend and Consolidate the Laws relating to the Exportation and Sale of Bait Fishes." This Act (June 1889) was proclaimed by his Excellency Sir Terence O'Brien, Governor of Newfoundland, the 3rd April, 1890.

By the provisions of this Act, as stated by the Colonial Secretary of Newfoundland to Cecil Fane, Esq., under date 15th April, 1890, "all foreign and British vessels not belonging to this Colony which required bait from our coasts for the prosecution of the cod fishery, can only obtain it by taking out a licence at an ordinary port of entry in the form herewith, and giving bond in the sum of 1,000 dollars that the bait shall be used *bonâ fide* for the purposes for which it is obtained.

"This licence is issued on payment of a fee of 1 dollar per ton, and entitles the holder to purchase the bait for three weeks, but only to the extent of one barrel per ton register.

"Should fresh supplies of bait be required after the expiration of three weeks, the vessel must re-enter at a Customs port and again take out a licence on similar terms to the first, and so on through the fishing season. Light dues will of course be exacted as heretofore."

Loud complaints have reached the Undersigned from Canadians interested in Bank fishing against this Legation, which threatens most serious injury to a large and important portion of Canadian industry. It is represented by those engaged in the cod fishery from Nova Scotia that the effect of this heavy tax will be to destroy the Bank fishing of that province.

The returns for the last year show that of Canadian vessels engaged in the Bank fishery there were not less than 203 with a tonnage of 18,124. The total catch amounted to 35,821,871 lbs. of fish.

Accordingly, on the 24th April your Excellency was pleased to approve of a Minute n Council, recommending that a telegram be sent to the Right Honourable the Secretary of State for the Colonies expressing the desire of your Excellency's Government that a remonstrance should be made to Her Majesty's Government on the restrictions placed on British ships, owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation, referred to.

From the telegram of the 8th May from the Right Honourable the Secretary of State for the Colonies to your Excellency, it appears that Lord Knutsford does not consider the Bait Act *ultra vires*, and his Lordship supposes representations have been made direct to Newfoundland.

The Undersigned has not discussed the authority of the Legislature of Newfoundland to enact the legislation complained of, but he desires to call attention to the solemn assurance given by the Government of Newfoundland of the definite and positive character already referred to to the effect that it was not intended to enforce this Act against Canadian and British vessels, and that it would not be so enforced.

It is therefore with surprise that the Undersigned now learns that the provisions of the Act are being enforced against Canadian and British vessels, as well as against those of foreign countries, and he trusts that when the attention of the present Administration of the Government of Newfoundland is called to the Agreement of its predecessors in office, that in accordance with that understanding the provisions of the Act will no longer be enforced against British or Canadian vessels.

It may not be out of place to refer to the friendly co-operation which has hitherto existed between the Governments of Canada and Newfoundland in connection with their respective fishery and commercial interests.

Fishing-vessels of Newfoundland are now and have always been permitted to enjoy the inshore fisheries and port privileges of Canada in common with those of Canada, and while light dues, harbour dues, and pilotage dues are exacted by the Government of Newfoundland from Canadian fishing craft, there are no corresponding taxes paid by the vessels of Newfoundland to the Dominion of Canada.

Canada at present maintains, free of all charges upon shipping, five lights and four

fog-signals on the coast of Newfoundland, and by liberal subventions serves many ports in Newfoundland by a mail and freight packet.

The Bank fishery is now in an advanced stage, and the Undersigned has the honour to recommend that the Government of Newfoundland be directly advised that the Canadian Government confidently expect that on a reconsideration of the facts connected with this legislation and of the relations hitherto existing between the Dominion of Canada and that Colony, the Administration of the Newfoundland Government will be pleased to suspend the operations of the Act so far as it affects Canadian and British vessels.

The Undersigned further recommends that the Right Honourable the Secretary of State for the Colonies be informed that your Excellency's advisers earnestly desire the immediate co-operation of Her Majesty's Government in preventing serious loss and damage being inflicted upon so many of Her Majesty's subjects as are interested in the important industry of the Bank fishery.

Respectfully submitted,
(Signed) CHARLES H. TUPPER,
Minister of Marine and Fisheries.

Inclosure 3 in No. 213.

Sir A. Shea to Colonial Office, April 27, 1887.

[See Inclosure 6 in No. 52.]

Inclosure 4 in No. 213.

Sir R. Thorburn to Colonial Office, April 27, 1887.

[See Inclosure 3 in No. 52.]

No. 214.

Colonial Office to Foreign Office.—(Received June 16.)

Sir, *Downing Street, June* 14, 1890.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of telegraphic correspondence with the Governor of Newfoundland respecting the date of Sir William Whiteway's visit to this country.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 214.

Lord Knutsford to Governor Sir T. O'Brien.

(Telegraphic.) *Downing Street, June* 12, 1890 3·50 P.M.

WHEN does Session close; when may I expect Premier

Inclosure 2 in No. 214.

Governor Sir T. O'Brien to Lord Knutsford.

(Telegraphic.) (*Received June* 13, 1890.)

SESSION closed 11th June; Premier leaving on or about 25th June.

COMMERCIAL. No. 6 (1890).

(FRANCE, &c.)

INTERNATIONAL CONVENTION

FOR THE

PROTECTION

OF

SUBMARINE TELEGRAPH CABLES.

Signed at Paris, March 14, 1884.

WITH A LIST OF BRITISH COLONIES WHICH HAVE ACCEDED THERETO UNDER THE ADDITIONAL ARTICLE.

[The texts of the Convention, Declaration, and Protocol are identical with those published in Parliamentary Papers C.—4384: 1885; and C.—5245: 1887.]

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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[*Ratifications exchanged at Paris, April* 16, 1885.]

SA Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Son Excellence le Président de la Confédération Argentine, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Son Excellence le Président de la République de Costa-Rica, Sa Majesté le Roi de Danemark, Son Excellence le Président de la République Dominicaine, Sa Majesté le Roi d'Espagne, Son Excellence le Président des États-Unis d'Amérique, Son Excellence le Président des États-Unis de Colombie, Son Excellence le Président de la République Française, Son Excellence le Président de la République de Guatémala, Sa Majesté le Roi des Hellènes, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur des Ottomans, Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, Sa Majesté le Schah de Perse, Sa Majesté le Roi de Portugal et des Algarves, Sa Majesté le Roi de Roumanie, Sa Majesté l'Empereur de Toutes les Russies, Son Excellence le Président de la République de Salvador, Sa Majesté le Roi de Serbie, Sa Majesté le Roi de Suède et de Norvège, et Son Excellence le Président de la République Orientale de l'Uruguay, désirant assurer le maintien des communications télégraphiques qui ont lieu au moyen des câbles sous-marins, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, son Excellence le Très Honorable Richard Bickerton Pemell, Vicomte Lyons, Pair du Royaume-Uni de la Grande-Bretagne et d'Irlande, Membre du Conseil Privé de Sa Majesté Britannique, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Son Altesse le Prince Chlodwig-Charles-Victor de Hohenlohe-Schillingfürst, Prince de Ratibor et Corvey, Grand Chambellan de la Couronne de Bavière, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Son Excellence le Président de la Confédération Argentine, M. Balcarce, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération à Paris, &c., &c. ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, son Excellence M. le Comte Ladislas Hoyos, Conseiller Intime Actuel, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Sa Majesté le Roi des Belges, M. le Baron Beyens, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ; et M. Léopold Orban, Envoyé Extraordinaire et Ministre Plénipotentiaire, Directeur-Général de la Politique au Département des Affaires Étrangères, &c., &c. ;

Sa Majesté l'Empereur du Brésil, M. d'Araujo, Baron d'Itajuba, Chargé d'Affaires du Brésil à Paris, &c., &c. ;

Son Excellence le Président de la République de Costa-Rica, M. Léon Somzée, Secrétaire de la Légation de Costa-Rica à Paris, &c., &c. ;

Sa Majesté le Roi de Danemark, M. le Comte de Moltke-Hvitfeldt, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Son Excellence le Président de la République Dominicaine, M. le Baron de

Almeda, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Dominicaine à Paris, &c., &c. ;

Sa Majesté le Roi d'Espagne, son Excellence M. Manuel Silvela de le Vielleuse, Sénateur Inamovible, Membre de l'Académie Espagnole, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Son Excellence le Président des États-Unis d'Amérique, Mr. L. P. Morton, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique à Paris, &c., &c. ; et Mr. Vignaud, Secrétaire de la Légation des États-Unis d'Amérique à Paris, &c., &c. ;

Son Excellence le Président des États-Unis de Colombie, M. le Docteur José G. Triana, Consul-Général des États-Unis de Colombie à Paris, &c., &c. ;

Son Excellence le Président de la République Française, M. Jules Ferry, Député, Président du Conseil, Ministre des Affaires Étrangères, &c., &c. ; et M. Adolphe Cochery, Député, Ministre des Postes et des Télégraphes, &c., &c. ;

Son Excellence le Président de la République de Guatémala, M. Crisanto Medina, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Guatémala à Paris, &c., &c. ;

Sa Majesté le Roi des Hellènes, M. le Prince Maurocordato, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Sa Majesté le Roi d'Italie, son Excellence M. le Général Comte Menabrea, Marquis de Valdora, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Sa Majesté l'Empereur des Ottomans, son Excellence Essad Pacha, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg, M. le Baron de Zuylen de Nyevelt, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Sa Majesté le Schah de Perse, M. le Général Nazare Aga, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Sa Majesté le Roi de Portugal et des Algarves, M. d'Azevedo, Chargé d'Affaires de Portugal à Paris, &c., &c. ;

Sa Majesté le Roi de Roumanie, M. Alexandre Odobesco, Chargé d'Affaires par intérim de Roumanie à Paris, &c., &c. ;

Sa Majesté l'Empereur de Toutes les Russies, son Excellence M. l'Aide-de-camp Général Prince Nicolas Orloff, son Ambassadeur Extraordinaire et Plénipotentiaire près le Gouvernement de la République Française, &c., &c. ;

Son Excellence le Président de la République de Salvador, M. Torrès-Caïcedo, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Salvador à Paris, &c., &c. ;

Sa Majesté le Roi de Serbie, M. Marinovitch, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Sa Majesté le Roi de Suède et de Norvège, M. Sibbern, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, &c., &c. ;

Son Excellence le Président de la République Orientale de l'Uruguay, M. le Colonel Diaz, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Orientale de l'Uruguay à Paris, &c., &c. ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

La présente Convention s'applique, en dehors des eaux territoriales, à tous les câbles sous-marins légalement établis et qui atterrissent sur les territoires, Colonies, ou possessions de l'une ou de plusieurs des Hautes Parties Contractantes.

ARTICLE II.

La rupture ou la détérioration d'un câble sous-marin, faite volontairement ou par négligence coupable, et qui pourrait avoir pour résultat d'interrompre ou d'entraver, en tout

ou en partie, les communications télégraphiques, est punissable sans préjudice de l'action civile en dommages et intérêts.

Cette disposition ne s'applique pas aux ruptures ou détériorations dont les auteurs n'auraient eu que le but légitime de protéger leur vie ou la sécurité de leurs bâtiments, après avoir pris toutes les précautions nécessaires pour éviter ces ruptures ou détériorations.

ARTICLE III.

Les Hautes Parties Contractantes s'engagent à imposer, autant que possible, quand elles autoriseront l'atterrissement d'un câble sous-marin, les conditions de sûreté convenables, tant sous le rapport du tracé que sous celui des dimensions du câble.

ARTICLE IV.

Le propriétaire d'un câble qui, par la pose ou la réparation de ce câble, cause la rupture ou la détérioration d'un autre câble, doit supporter les frais de réparation que cette rupture ou cette détérioration aura rendus nécessaires, sans préjudice, s'il y a lieu, de l'application de l'Article II de la présente Convention.

ARTICLE V.

Les bâtiments occupés à la pose ou à la réparation des câbles sous-marins doivent observer les règles sur les signaux qui sont ou seront adoptées, d'un commun accord, par les Hautes Parties Contractantes, en vue de prévenir les abordages.

Quand un bâtiment occupé à la réparation d'un câble porte les dits signaux, les autres bâtiments qui aperçoivent ou sont en mesure d'apercevoir ces signaux doivent ou se retirer ou se tenir éloignés d'un mille nautique au moins de ce bâtiment, pour ne pas le gêner dans ses opérations.

Les engins ou filets des pêcheurs devront être tenus à la même distance.

Toutefois, les bateaux de pêche qui aperçoivent ou sont en mesure d'apercevoir un navire télégraphique portant les dits signaux auront, pour se conformer à l'avertissement ainsi donné, un délai de vingt-quatre heures au plus, pendant lequel aucun obstacle ne devra être apporté à leurs manœuvres.

Les opérations du navire telégraphique devront être achevées dans le plus bref délai possible.

ARTICLE VI.

Les bâtiments qui voient ou sont en mesure de voir les bouées destinées à indiquer la position des câbles, en cas de pose, de dérangement, ou de rupture, doivent se tenir éloignés de ces bouées à un quart de mille nautique au moins.

Les engins ou filets des pêcheurs devront être tenus à la même distance.

ARTICLE VII.

Les propriétaires des navires ou bâtiments qui peuvent prouver qu'ils ont sacrifié une ancre, un filet ou un autre engin de pêche, pour ne pas endommager un câble sous-marin, doivent être indemnisés par le propriétaire du câble.

Pour avoir droit à une telle indemnité, il faut, autant que possible, qu'aussitôt après l'accident, on ait dressé, pour le constater, un procès-verbal appuyé des témoignages des gens de l'équipage, et que le capitaine du navire fasse, dans les vingt-quatre heures de son arrivée au premier port de retour ou de relâche, sa déclaration aux autorités compétentes. Celles-ci en donnent avis aux autorités Consulaires de la nation du propriétaire du câble.

ARTICLE VIII.

Les Tribunaux compétents pour connaître des infractions à la présente Convention sont ceux du pays auquel appartient le bâtiment à bord duquel l'infraction a été commise.

Il est, d'ailleurs, entendu que dans les cas où la disposition insérée dans le précédent alinéa ne pourrait pas recevoir d'exécution, la répression des infractions à la présente Convention aurait lieu, dans chacun des États Contractants à l'égard de ses nationaux

conformément aux règles générales de compétence pénale resultant des lois particulières de ces États ou des Traités Internationaux.

ARTICLE IX.

La poursuite des infractions prévues aux Articles II, V, et VI de la présente Convention aura lieu par l'État ou en son nom.

ARTICLE X.

Les infractions à la présente Convention pourront être constatées par tous les moyens de preuve admis dans la législation du pays où siège le Tribunal saisi.

Lorsque les officiers commandant les bâtiments de guerre ou les bâtiments spécialement commissionnés à cet effet de l'une des Hautes Parties Contractantes auront lieu de croire qu'une infraction aux mesures prévues par la présente Convention a été commise par un bâtiment autre qu'un bâtiment de guerre, ils pourront exiger du capitaine ou du patron l'exhibition des pièces officielles justifiant de la nationalité du dit bâtiment. Mention sommaire de cette exhibition sera faite immédiatement sur les pièces produites.

En outre, des procès-verbaux pourront être dressés par les dits officiers, quelle que soit la nationalité du bâtiment inculpé. Ces procès-verbaux seront dressés suivant les formes et dans la langue en usage dans le pays auquel appartient l'officier qui les dresse ; ils pourront servir de moyen de preuve dans le pays où ils seront invoqués et suivant la législation de ce pays. Les inculpés et les témoins auront le droit d'y ajouter ou d'y faire ajouter, dans leur propre langue, toutes explications qu'ils croiront utiles ; ces déclarations devront être dûment signées.

ARTICLE XI.

La procédure et le jugement des infractions aux dispositions de la présente Convention ont toujours lieu aussi sommairement que les Lois et Règlements en vigueur le permettent.

ARTICLE XII.

Les Hautes Parties Contractantes s'engagent à prendre ou à proposer à leurs Législatures respectives les mesures nécessaires pour assurer l'exécution de la présente Convention, et notamment pour faire punir soit de l'emprisonnement, soit de l'amende, soit de ces deux peines, ceux qui contreviendraient aux dispositions des Articles II, V, et VI.

ARTICLE XIII.

Les Hautes Parties Contractantes se communiqueront les Lois qui auraient déjà été rendues ou qui viendraient à l'être dans leurs États, relativement à l'objet de la présente Convention.

ARTICLE XIV.

Les États qui n'ont point pris part à la présente Convention sont admis à y adhérer, sur leur demande. Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la République Française, et par celui-ci aux autres Gouvernements Signataires.

ARTICLE XV.

Il est bien entendu que les stipulations de la présente Convention ne portent aucune atteinte à la liberté d'action des belligérants.

ARTICLE XVI.

La présente Convention sera mise à exécution à partir du jour dont les Hautes Parties Contractantes conviendront.

Elle restera en vigueur pendant cinq années à dater de ce jour, et, dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, douze mois avant l'expiration de la dite période de cinq années, son intention d'en faire cesser les effets, elle continuera à rester en vigueur une année, et ainsi de suite d'année en année.

Dans le cas où l'une des Puissances Signataires dénoncerait la Convention, cette dénonciation n'aurait d'effet qu'à son égard.

ARTICLE XVII.

La présente Convention sera ratifiée ; les ratifications en seront échangées à Paris le plus tôt possible, et, au plus tard, dans le délai d'un an.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait en vingt-six exemplaires, à Paris, le 14 Mars, 1884.

(L.S.) LYONS.
(L.S.) HOHENLOHE.
(L.S.) M. BALCARCE.
(L.S.) LADISLAS, Comte HOYOS.
(L.S.) BEYENS. (L.S.) LÉOPOLD ORBAN.
(L.S.) Baron D'ITAJUBA.
(L.S.) LÉON SOMZÉE.
(L.S.) MOLTKE-HVITFELDT.
(L.S.) EMANUEL DE ALMEDA.
(L.S.) MANUEL SILVELA.
(L.S.) L. P. MORTON. (L.S.) HENRY VIGNAUD.
(L.S.) JOSE G. TRIANA.
(L.S.) JULES FERRY. (L.S.) A. COCHERY.
(L.S.) CRISANTO MEDINA.
(L.S.) MAUROCORDATO.
(L.S.) L. L. MENABREA.
(L.S.) ESSAD.
(L.S.) Baron de ZUYLEN DE NYEVELT.
(L.S.) NAZARE AGA.
(L.S.) F. D'AZEVEDO.
(L.S.) ODOBESCO.
(L.S.) Prince ORLOFF.
(L.S.) J. M. TORRÈS-CAÏCEDO.
(L.S.) J. MARINOVITCH.
(L.S.) G. SIBBERN.
(L.S.) JUAN J. DIAZ.

ARTICLE ADDITIONNEL.

Les stipulations de la Convention conclue, à la date de ce jour, pour la protection des câbles sous-marins, seront applicables, conformément à l'Article I, aux Colonies et possessions de Sa Majesté Britannique, à l'exception de celles ci-après dénommées, savoir :—

Le Canada ;
Terre-Neuve ;
Le Cap ;
Natal ;
La Nouvelle-Galles du Sud ;
Victoria ;
Queensland ;
La Tasmanie ;
L'Australie du Sud ;
L'Australie Occidentale ;
La Nouvelle-Zélande.

Toutefois, les stipulations de la dite Convention seront applicables à l'une des Colonies ou possessions ci-dessus indiquées, si, en leur nom, une notification à cet effet a été adressée par le Représentant de Sa Majesté Britannique à Paris au Ministre des Affaires Étrangères de France.

Chacune des Colonies ou possessions ci-dessus dénommées qui aurait adhéré à la dite Convention conserve la faculté de se retirer de la même manière que les Puissances Contractantes. Dans le cas où l'une des Colonies ou possessions dont il s'agit désirerait

se retirer de la Convention, une notification à cet effet serait adressée par le Représentant de Sa Majesté Britannique à Paris au Ministre des Affaires Étrangères de France.

Fait en vingt-six exemplaires, à Paris, le 14 Mars, 1884.

(L.S.)	LYONS.		
(L.S.)	HOHENLOHE.		
(L.S.)	M. BALCARCE.		
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(L.S.)	BEYENS.	(L.S.)	LÉOPOLD ORBAN.
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(L.S.)	Prince ORLOFF.		
(L.S.)	J. M. TORRÈS-CAÏCEDO.		
(L.S.)	J. MARINOVITCH.		
(L.S.)	G. SIBBERN.		
(L.S.)	JUAN J. DIAZ.		

(Translation.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of America, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of All the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and His Excellency the President of the Oriental Republic of the Uruguay, being desirous to secure the preservation of telegraphic communications made by means of submarine cables, have resolved to conclude a Convention for this purpose, and have named for their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Excellency the Right Honourable Richard Bickerton Pemell, Viscount Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Member of Her Britannic Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Majesty the German Emperor, King of Prussia, his Highness Prince Chlodwig Charles Victor de Hohenlohe-Schillingfürst, Prince de Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, &c., &c.;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, his Excellency Count Ladislas Hoyos, Actual Privy Councillor, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Majesty the King of the Belgians, Baron Beyens, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.; and M. Léopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Political Director-General in the Department for Foreign Affairs of Belgium, &c., &c.;

His Majesty the Emperor of Brazil, M. d'Araujo, Baron d'Itajuba, Brazilian Chargé d'Affaires at Paris, &c., &c.;

His Excellency the President of the Republic of Costa Rica, M. Léon Somzée, Secretary of the Costa Rican Legation at Paris, &c. &c.;

His Majesty the King of Denmark, Count Moltke-Hvitfeldt, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Excellency the President of the Dominican Republic, Baron de Almeda, Minister Plenipotentiary of the Dominican Republic at Paris, &c., &c.;

His Majesty the King of Spain, his Excellency M. Manuel Silvela de le Vielleuse, Permanent Senator, Member of the Spanish Academy, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, &c., &c., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, &c., &c.;

His Excellency the President of the United States of Colombia, Dr. José G. Triana, Consul-General of the United States of Colombia at Paris, &c., &c.;

His Excellency the President of the French Republic, M. Jules Ferry, Deputy, President of the Council, Minister for Foreign Affairs, &c., &c., and M. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, &c., &c.;

His Excellency the President of the Republic of Guatemala, M. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, &c., &c.;

His Majesty the King of the Hellenes, Prince Maurocordato, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Majesty the King of Italy, his Excellency General Count Menabrea, Marquis de Valdora, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Majesty the Emperor of the Ottomans, his Excellency Essad Pasha, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Majesty the Shah of Persia, General Nazare Aga, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Majesty the King of Portugal and the Algarves, M. d'Azevedo, Portuguese Chargé d'Affaires at Paris, &c., &c.;

His Majesty the King of Roumania, M. Odobesco, Roumanian Chargé d'Affaires *ad interim* at Paris, &c., &c.;

His Majesty the Emperor of All the Russias, his Excellency Aide-de-camp General Prince Nicolas Orloff, his Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c.;

His Excellency the President of the Republic of Salvador, M. Torrès-Caïcedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, &c., &c.;

His Majesty the King of Servia, M. Marinovitch, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Majesty the King of Sweden and of Norway, M. Sibbern, his Envoy Extraordinary and Minister Plenipotentiary at Paris, &c., &c.;

His Excellency the President of the Oriental Republic of the Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Oriental Republic of the Uruguay at Paris, &c., &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, Colonies, or possessions of one or more of the High Contracting Parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The High Contracting Parties undertake that, on granting a Concsssion for landing a submarine cable, they will insist so far as possible upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the High Contracting Parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing-vessels which see or are able to see a telegraph-ship exhibiting the said signals, shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph-ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one-quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable, shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence; and the master must, within twenty-four hours after his return to or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the Consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The Tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the Contracting States in accordance, so far as the subjects and citizens of those States respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by International Treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V, and VI of the present Convention shall be instituted by the State, or in its name.

ARTICLE X.

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the Court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the High Contracting Parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be endorsed upon it immediately. Further, formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered, in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The High Contracting Parties engage to take or to propose to their respective Legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V, and VI.

ARTICLE XIII.

The High Contracting Parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries, relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other Signatory Powers.

ARTICLE XV.

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the High Contracting Powers.

It shall remain in force for five years from that day, and unless any of the High Contracting Parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the Signatory Powers denounce the Convention, such denunciation shall have effect only as regards that Power.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in twenty-six copies, at Paris, the 14th day of March, 1884.

(L.S.)	LYONS.		
(L.S.)	HOHENLOHE.		
(L.S.)	M. BALCARCE.		
(L.S.)	LADISLAS, Comte HOYOS.		
(L.S.)	BEYENS.	(L.S.)	LÉOPOLD ORBAN.
(L.S.)	Baron D'ITAJUBA.		
(L.S.)	LÉON SOMZÉE.		
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(L.S.)	EMANUEL DE ALMEDA.		
(L.S.)	MANUEL SILVELA.		
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(L.S.)	MAUROCORDATO.		
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(L.S.)	Baron de ZUYLEN DE NYEVELT.		
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(L.S.)	Prince ORLOFF.		
(L.S.)	J. M. TORRÈS-CAÏCEDO.		
(L.S.)	J. MARINOVITCH.		
(L.S.)	G. SIBBERN.		
(L.S.)	JUAN J. DIAZ.		

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable, in conformity with Article I, to the Colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely:—

Canada;
Newfoundland;
The Cape;
Natal;
New South Wales;
Victoria;
Queensland;
Tasmania;
South Australia;
Western Australia;
New Zealand.

Provided always that the stipulations of the said Convention shall be applicable to any of the above-named Colonies or possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

Each of the above-named Colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the Powers parties to it. In the event of any of the said Colonies or possessions desiring

to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

Done in twenty-six copies, at Paris, the 14th day of March, 1884.

(L.S.)	LYONS.		
(L.S.)	HOHENLOHE.		
(L.S.)	M. BALCARCE.		
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(L.S.)	LÉON SOMZÉE.		
(L.S.)	MOLTKE-HVITFELDT.		
(L.S.)	EMANUEL DE ALMEDA.		
(L.S.)	MANUEL SILVELA.		
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(L.S.)	NAZARE AGA.		
(L.S.)	F. D'AZEVEDO.		
(L.S.)	ODOBESCO.		
(L.S.)	Prince ORLOFF.		
(L.S.)	J. M. TORRÈS-CAÏCEDO.		
(L.S.)	J. MARINOVITCH.		
(L.S.)	G. SIBBERN.		
(L.S.)	JUAN J. DIAZ.		

Procès-verbal de Signature.—(*Vendredi, le* 14 *Mars,* 1884.)

Après s'être communiqué leurs pleins pouvoirs, MM. les Plénipotentiaires collationnent les instruments de la Convention qui ont été préparés en nombre égal à celui des États Contractants, et, tous ces actes étant trouvés en bonne et due forme, MM. les Plénipotentiaires y apposent leur signature et le cachet de leurs armes.

Au moment de signer la Convention, *son Excellence Lord Lyons* présente, au nom du Gouvernement Britannique, la déclaration suivante :—

"Le Gouvernement de Sa Majesté entend l'Article XV en ce sens, qu'en temps de guerre un belligérant, Signataire de la Convention, sera librea gir, à l'égard des câbles sous-marins, comme si la Convention n'existait pas."

Il est donné acte de cette déclaration à son Excellence M. l'Ambassadeur de la Grande-Bretagne.

M. Léopold Orban donne lecture, au nom du Gouvernement Belge, de la déclaration suivante :—

"Le Gouvernement Belge, par l'organe de son Délégué à la Conférence, a soutenu que la Convention n'avait aucun effet sur les droits des Puissances belligérantes ; ces droits ne seraient, après la signature, ni plus ni moins étendus qu'ils ne le sont aujourd'hui. La mention insérée à l'Article XV, bien qu'absolument inutile aux yeux du Gouvernement Belge, ne pourrait toutefois justifier, de sa part, le refus de s'associer à un vœu dont l'intérêt est incontestable."

Il est donné acte de cette déclaration à M. Léopold Orban.

M. le Baron de Zuylen de Nyevelt fait connaître que le Gouvernement Néerlandais, en signant la Convention, ne peut, quant à présent, s'engager qu'en ce qui concerne la métropole. Il se réserve d'accéder ultérieurement à cette Convention pour l'ensemble ou pour une partie de ses Colonies ou possessions.

Il est donné acte de cette déclaration à M. le Ministre des Pays-Bas.

M. le Ministre de Suède et Norvège déclare que ses instructions lui prescrivent de réserver, en signant la Convention, l'approbation ultérieure des Pouvoirs Législatifs des Royaumes-Unis.

M. le Président donne acte de cette déclaration à M. le Ministre de Suède et Norvège, en faisant, d'ailleurs, observer que la réserve de l'accomplissement des formalités prescrites par les Constitutions respectives, avant l'échange des ratifications de la Convention, est de droit pour tous les États Contractants.

Eu égard au grand nombre des Parties Contractantes, et suivant un mode de procéder déjà adopté lors de la ratification des Traités relatifs au rachat des droits du Sund et des péages de l'Escaut, de la Convention Télégraphique de Paris et de la Convention du Mètre, il est convenu, sur la proposition de M. le Président, que l'échange des ratifications pour la protection des câbles sous-marins se fera par l'entremise du Gouvernement de la République Française.

MM. les Plénipotentiaires décident, en outre, que l'acte qui vient d'être signé sera porté officiellement à la connaissance de tous les États non-Signataires, qui seront invités à user de la faculté d'accession qui leur est réservée par l'Article XIV de la Convention.

Il est entendu que cette communication se fera par les soins de M. le Ministre des Affaires Étrangères de France. C'est également au Gouvernement de la République Française que devront être notifiées les accessions qui viendraient à se produire avant la date fixée pour l'entrée en vigueur de la Convention.

Le présent procès-verbal, dressé séance tenante, êtant lu et approuvé, la Conférence se sépare à 3 heures.

(Translation.)

Procès-verbal of Signature.—(*Friday, March* 14, 1884.)

After having communicated their full powers, the Plenipotentiaries collated the texts of the Convention which had been prepared in a number equal to that of the Contracting States, and all these documents having been found in good and proper form, the Plenipotentiaries affixed thereto their signatures and the seal of their arms.

On signing the Convention, *his Excellency Lord Lyons* made the following declaration in the name of his Government :—

"Her Majesty's Government takes Article XV to mean that in time of war, a belligerent, who is Signatory to the Convention, will be free to act, with respect to submarine cables, as if the Convention did not exist."

Formal note was taken of this declaration on the part of his Excellency the Ambassador of Great Britain.

M. Léopold Orban read the following declaration in the name of the Belgian Government :—

"The Belgian Government, through its Delegate at the Conference, has maintained that the Convention has no effect on the rights of belligerent Powers; these rights would be, after signing, neither more nor less extended than they are at present. The reference inserted in Article XV, though absolutely useless in the view of the Belgian Government, would not justify it in refusing to join in an object the importance of which was beyond dispute.

Formal note was taken of this declaration of M. Léopold Orban.

Baron de Zuylen de Nyevelt stated that the Netherlands Government, in signing the Convention, could undertake to accede at present only as regards the mother country. It reserved to itself the power to accede later to this Convention for the whole or for part of its Colonies or possessions.

Formal note was taken of this declaration of the Minister of the Netherlands.

The Minister of Sweden and Norway stated that his instructions require him to reserve, in signing the Convention, the subsequent approval of the Legislatures of the United Kingdoms.

The President took formal note of this declaration of the Minister of Sweden and Norway, while observing further that the reservation for the fulfilment of the formalities required by the different Constitutions, before exchanging the ratifications of the Convention, was the right of all the Contracting States.

Taking into consideration the large number of the Contracting Parties, and following the method of proceeding already adopted at the time of the ratification of the Treaties relative to the redemption of the Sound dues and the Scheldt tolls, of the Telegraph Convention at Paris and of the Metre Convention, it was agreed, on the proposal of the President, that the exchange of ratifications for the protection of submarine cables should be effected through the Government of the French Republic.

The Plenipotentiaries decided further that the document which had just been signed should be brought to the cognizance of all the non-Signatory States, which should be invited to take advantage of the power of accession which is reserved to them by Article XIV of the Convention.

It was agreed that this communication should be left to the care of the French Minister for Foreign Affairs. The Government of the French Republic would likewise receive notifications of accession, which might come in before the date fixed for the Convention to come into force.

The present Minutes, drawn up during the sitting, having been read and approved, the Conference separated at 3 o'clock.

Procès-verbal recording the Deposit of the Ratifications at Paris.

Des circonstances particulières ayant empêché de procéder, dans le délai fixé primitivement à l'échange des ratifications sur la Convention Internationale relative à la protection des câbles sous-marins, il a été entendu, d'un commun accord, que ce délai serait ajourné jusqu'à ce jour. En conséquence, les Soussignés se sont réunis pour faire le dépôt des instruments de cet acte.

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse ;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur d'Autriche, Roi de Bohême et Roi Apostolique de Hongrie ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiarire de Sa Majesté le Roi des Belges ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Brésil ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de son Excellence M. le Président de la République Dominicaine ;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Espagne ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de son Excellence M. le Président des États-Unis d'Amérique ;

Son Excellence M. le Ministre des Affaires Étrangères de son Excellence M. le Président de la République Française ;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de son Excellence M. le Président de la République de Guatémala ;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur des Ottomans ;

M. le Chargé d'Affaires de Sa Majesté le Roi de Portugal et des Algarves ;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de son Excellence M. le Président de la République du Salvador ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Serbie ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Suède et de Norvège ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire, chargé de la Légation de la République Orientale de l'Uruguay ;—

Ont présenté leurs exemplaires, qui ont été trouvés en bonne et due forme, et remis entre les mains du Ministre des Affaires Étrangères de France, pour être déposés aux archives du Ministère à Paris ; ce dépôt tenant lieu d'échange des dits actes.

D'autre part,—

M. le Chargé d'Affaires de la Confédération Argentine à Paris ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de son Excellence M. le Président de la République de Costa-Rica ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Danemark ;

M. le Consul-Général de la République des États-Unis de Colombie, à Paris ;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Hellènes;

Son Excellence M. l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Italie;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Pays-Bas, Grand-Duc de Luxembourg;

M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Schah de Perse;

Et M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Roumanie;

Ayant demandé des délais nouveaux pour accomplir, à leur tour, cette formalité, les Soussignés sont convenus de charger le Gouvernement Français de recevoir les ratifications des dits États, qui devront les envoyer le 1er Janvier, 1886, au plus tard.

Le Gouvernement Français donnera avis de ces dépôts successifs aux Puissances Contractantes.

En foi de quoi les Soussignés ont dressé le présent procès-verbal de dépôt, qu'ils ont revêtu de leurs cachets.

Fait à Paris, le 16 Avril, 1885.

(L.S.) LYONS.
(L.S.) HOHENLOHE.
(L.S.) HOYOS.
(L.S.) BEYENS.
(L.S.) Baron D'ARINOS.
(L.S.) EMANUEL DE ALMEDA.
(L.S.) FRCO. DE CARDENAS.
(L.S.) L. P. MORTON.
(L.S.) C. DE FREYCINET.
(L.S.) CRISANTO MEDINA.
(L.S.) ESSAD.
(L.S.) Viscomte D'AZEVEDO DE SILVA.
(L.S.) MOHRENHEIM.
(L.S.) J. M. TORRÈS-CAÏCEDO.
(L.S.) J. MARINOVITCH.
(L.S.) C. LEWENHAUPT.
(L.S.) J. M. TORRÈS-CAÏCEDO.

(Translation.)

Special circumstances having delayed the exchange of the ratifications of the International Convention relative to the protection of submarine cables within the period originally fixed, it was mutually agreed that this period should be extended to this day. In consequence, the Undersigned have met together for the purpose of depositing the above-named instruments.

His Excellency the Ambassador Extraordinary and Minister Plenipotentiary of His Majesty the German Emperor, King of Prussia;

His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil;

The Envoy Extraordinary and Minister Plenipotentiary of his Excellency the President of the Dominican Republic;

His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Spain;

The Envoy Extraordinary and Minister Plenipotentiary of his Excellency the President of the United States of America;

His Excellency the Minister for Foreign Affairs of his Excellency the President of the French Republic;

His Excellency the Ambassador Extraordinrry and Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

The Envoy Extraordinary and Minister Plenipotentiary of his Excellency the President of the Republic of Guatemala;

His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of the Ottomans;

The Chargé d'Affaires of His Majesty the King of Portugal and the Algarves;

His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of All the Russias;

The Envoy Extraordinary and Minister Plenipotentiary of his Excellency the President of the Republic of Salvador;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Servia;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Sweden and Norway;

The Envoy Extraordinary and Minister Plenipotentiary in charge of the Legation of the Oriental Republic of the Uruguay;—

Presented their copies, which were found in good and due form, and placed in the hands of the Minister of Foreign Affairs of France, for the purpose of being deposited in the archives of the Ministry of Foreign Affairs at Paris; this deposit taking the place of the exchange of the said Acts.

On the other hand,—

The Chargé d'Affaires of the Argentine Confederation at Paris;

The Envoy Extraordinary and Minister Plenipotentiary of his Excellency the President of the Republic of Costa Rica;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark;

The Consul-General of the Republic of the United States of Colombia at Paris;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Hellenes;

His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Italy;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Netherlands, Grand Duke of Luxemburg;

The Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Shah of Persia;

And the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Roumania;

Having requested a further delay in order to accomplish in their turn this formality, the Undersigned have agreed to empower the French Government to receive the ratifications of these States, which must be sent by the 1st January, 1886, at the latest.

The French Government will notify the successive deposits to the Contracting States.

In witness whereof the Undersigned have drawn up the present *procès-verbal* of the deposit, and have affixed thereto their seals.

Done at Paris, the 16th day of April, 1885.

(L.S.)	LYONS.
(L.S.)	HOHENLOHE.
(L.S.)	HOYOS.
(L.S.)	BEYENS.
(L.S.)	Baron D'ARINOS.
(L.S.)	EMANUEL DE ALMEDA.
(L.S.)	F^{RCO}. DE CARDENAS.
(L.S.)	L. P. MORTON.
(L.S.)	C. DE FREYCINET.
(L.S.)	CRISANTO MEDINA.
(L.S.)	ESSAD.
(L.S.)	Viscomte D'AZEVEDO DE SILVA.
(L.S.)	MOHRENHEIM.
(L.S.)	J. M. TORRÈS-CAÏCEDO.
(L.S.)	J. MARINOVITCH.
(L.S.)	C. LEWENHAUPT.
(L.S.)	J. M. TORRÈS-CAÏCEDO.

LIST OF BRITISH COLONIES WHICH HAVE ACCEDED TO THE ABOVE CONVENTION UNDER THE ADDITIONAL ARTICLE THERETO.

1. South Australia	May	30, 1885.
2. Victoria	October	17, 1885.
3. Queensland	July	28, 1886.
4. Canada	September	23, 1888.
5. Newfoundland	,,	,,
6. Cape of Good Hope	,,	,,
7. Natal	,,	,,
8. New South Wales	,,	,,
9. Tasmania	,,	,,
10. Western Australia	,,	,,
11. New Zealand	,,	,,

Declaration and Protocol relative to the Convention of the 14th March, 1884, for the Protection of Submarine Cables.

Signed at Paris, December 1, 1886, *and July* 7, 1887.

Déclaration.

LES Soussignés, Plénipotentiaires des Gouvernements Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, ayant reconnu la convenance de préciser le sens des termes des Articles II et IV de la dite Convention, ont arrêté, d'un commun accord, la Déclaration suivante :—

Certains doutes s'étant élevés sur le sens du mot "volontairement" inséré dans l'Article II de la Convention du 14 Mars, 1884, il est entendu que la disposition de responsabilité pénale mentionnée dans le dit Article ne s'applique pas aux cas de ruptures ou de détériorations occasionnées accidentellement ou nécessairement en réparant un câble, alors que toutes les précautions ont été prises pour éviter ces ruptures ou détériorations.

Il est également entendu que l'Article IV de la Convention n'a eu d'autre but et ne doit avoir d'autre effet que de charger les Tribunaux compétents de chaque pays de résoudre, conformément à leurs lois et suivant les circonstances, la question de la responsabilité civile du propriétaire d'un câble qui, par la pose ou la réparation de ce câble, cause la rupture ou la détérioration d'un autre câble, de même que les conséquences de cette responsabilité, s'il est reconnu qu'elle existe.

Fait à Paris, le 1er Décembre, 1886, et le 23 Mars, 1887, pour l'Allemagne.

(Signé) LYONS.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDEZ.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
C. DE FREYCINET.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
ESSAD.
DE STUERS.
Comte DE VALBOM.
ALECSANDRI.
KOTZEBUE.
E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

(Translation.)

Declaration.

THE Undersigned, Plenipotentiaries of the Signatory Governments of the Convention of the 14th March, 1884, for the protection of submarine cables, having recognized the expediency of stating precisely the meaning of the terms of Articles II and IV of the said Convention, have agreed upon the following Declaration by common consent :—

Certain doubts having been raised as to the meaning of the word "wilfully" used in Article II of the Convention of the 14th March, 1884, it is understood that the provision in respect of penal responsibility contained in the said Article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable, when all precautions have been taken to avoid such breakage or injury.

It is equally understood that Article IV of the Convention had no other object and is to have no other effect than to empower the competent Tribunals of each country to decide, in conformity with their laws and according to the circumstances, the question of the civil responsibility of the owner of a cable, who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility if it is recognized as existing.

Done at Paris, the 1st December, 1886, and the 23rd March, 1887, for Germany.

(Signed) LYONS.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDEZ.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
C. DE FREYCINET.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
ESSAD.
DE STUERS.
Comte DE VALBOM.
ALECSANDRI.
KOTZEBUE.
E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

Protocole de Clôture.

Les Soussignés, Plénipotentiaires des Gouvernements Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, réunis à Paris à l'effet d'arrêter, conformément à l'Article XVI de cet Acte International, la date de la mise à exécution de la dite Convention, sont convenus de ce qui suit :—

1. La Convention Internationale du 14 Mars, 1884, pour la protection des câbles sous-marins, entrera en vigueur le 1er Mai, 1888, sous la condition, toutefois, qu'à cette date ceux des Gouvernements Contractants qui n'ont pas encore adopté les mesures

prévues par l'Article XII du dit Acte International se seront conformés à cette stipulation.

2. Les dispositions que les dits États auront prises en exécution de l'Article XII précité seront notifiées aux autres Puissances Contractantes par l'intermédiaire du Gouvernement Français, chargé d'en examiner la teneur.

3. Le Gouvernement de la République Française reste également chargé d'examiner les mêmes dispositions législatives ou réglementaires que devront adopter, dans leurs pays respectifs, pour se conformer à l'Article XII, les États qui n'ont pas pris part à la Convention et qui voudraient profiter de la faculté d'accession prévue dans l'Article XIV.

En foi de quoi les Plénipotentiaires soussignés ont arrêté le présent Protocole de Clôture, qui sera considéré comme faisant partie intégrante de la Convention Internationale du 14 Mars, 1884.

Fait à Paris, le 7 Juillet, 1887.

(Signé) LYONS.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEYENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
FLOURENS.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
J. S. MISSAK.
DE STUERS.
Comte de VALBOM.
ALECSANDRI.
M. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

(Translation.)

Final Protocol.

The Undersigned, Plenipotentiaries of the Signatory Governments of the Convention of the 14th March, 1884, for the protection of submarine cables, assembled at Paris for the purpose of fixing, in accordance with Article XVI of this International Act, the date for the putting into force of the said Convention, have agreed as follows :—

1. The International Convention of the 14th March, 1884, for the protection of submarine cables, shall come into force the 1st May, 1888, with the condition, however, that upon that date those of the Contracting Governments which have not yet adopted the measures stipulated by Article XII of the said International Act, shall have conformed to that stipulation.

2. The measures that shall have been taken by the said States in execution of Article XII aforesaid shall be notified to the other Contracting Powers by the French Government, who are charged with the examination of their purport.

3. The Government of the French Republic is equally charged with the examination of similar legislative measures or regulations with the States who have not taken part in the Convention, and who wish to avail themselves of the power of accession provided by Article XIV, must adopt in their respective countries, in accordance with Article XII.

In witness whereof the undersigned Plenipotentiaries have drawn up the present Final Protocol, which shall be considered as forming an integral part of the International Convention of the 14th March, 1884.

Done at Paris, the 7th July, 1887.

(Signed) LYONS.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEYENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
FLOURENS.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
J. S. MISSAK.
DE STUERS.
Comte DE VALBOM.
ALECSANDRI.
M. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

COMMERCIAL. No. 6 (1890).

(FRANCE, &c.)

International Convention for the Protection of Submarine Telegraph Cables.

Signed at Paris, March 14, 1884.

With a List of British Colonies which have acceded thereto under the Additional Article.

[The texts of the Convention, Declaration, and Protocol are identical with those published in Parliamentary Papers C.—4384: 1885; and C.—5245: 1887.]

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:

PRINTED BY HARRISON AND SONS.

AFRICA. No. 9 (1890).

DECLARATIONS

EXCHANGED BETWEEN THE

GOVERNMENT OF HER BRITANNIC MAJESTY

AND THE

GOVERNMENT OF THE FRENCH REPUBLIC

WITH RESPECT TO

TERRITORIES IN AFRICA.

Signed at London, August 5, 1890.

Presented to both Houses of Parliament by Command of Her Majesty.
August 1890.

LONDON:
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[C.—6130.] *Price* ½*d.*

Declarations exchanged between the Government of Her Britannic Majesty and the Government of the French Republic with respect to Territories in Africa.

Signed at London, August 5, 1890.

(1.)

THE Undersigned, duly authorized by Her Britannic Majesty's Government, declares as follows:—

In conformity with the request which has been made by the Government of Her Britannic Majesty, the Government of the French Republic consents to modify the Arrangement of the 10th March, 1862, in regard to the Sultan of Zanzibar, and engages, consequently, to recognize the British Protectorate over the Islands of Zanzibar and Pemba as soon as they shall have received notification of the same.

In the territories in question, the missionaries of both countries shall enjoy a complete protection. Religious toleration, and liberty for all forms of worship and religious training, shall be guaranteed.

It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by French citizens in the territories in question.

(Signed) SALISBURY.
London, August 5, 1890.

LE Soussigné, dûment autorisé par le Gouvernement de la République Française, fait la Déclaration suivante:—

Conformément à la demande qui lui a été faite par le Gouvernement de Sa Majesté Britannique, le Gouvernement de la République Française consent à modifier l'arrangement du 10 Mars, 1862, en ce qui touche le Sultan de Zanzibar. En conséquence il s'engage à reconnaître le Protectorat Britannique sur les Iles de Zanzibar et de Pemba, aussitôt qu'il lui aura été notifié.

Dans les territoires dont il s'agit, les missionnaires des deux pays jouiront d'une complète protection. La tolérance religieuse, la liberté pour tous les cultes et pour l'enseignement religieux, sont garanties.

Il est bien entendu que l'établissement de ce Protectorat ne peut pas porter atteinte aux droits et immunités dont jouissent les citoyens Français dans les territoires dont il s'agit.

(Signé) WADDINGTON.
Londres, le 5 *Août*, 1890.

(2.)

THE Undersigned, duly authorized by Her Britannic Majesty's Government, declares as follows:—

1. The Government of Her Britannic Majesty recognizes the Protectorate of France over the Island of Madagascar, with its consequences, especially as regards the exequaturs of British Consuls and Agents, which must be applied for through the intermediary of the French Resident General.

In Madagascar the missionaries of both countries shall enjoy complete protection. Religious toleration, and liberty for all forms of worship and religious teaching, shall be guaranteed.

LE Soussigné dûment autorisé par le Gouvernement de la République Française, fait la Déclaration suivante:—

1. Le Gouvernement de Sa Majesté Britannique reconnaît le Protectorat de la France sur l'Ile de Madagascar, avec ses conséquences, notamment en ce qui touche les exequaturs des Consuls et Agents Britanniques, qui devront être demandés par l'intermédiaire du Résident-Général Français.

Dans l'Ile de Madagascar les missionnaires des deux pays jouiront d'une complète protection. La tolérance religieuse, la liberté pour tous les cultes et pour l'enseignement religieux, sont garanties.

It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by British subjects in that island.

2. The Government of Her Britannic Majesty recognizes the sphere of influence of France to the south of her Mediterranean possessions, up to a line from Say on the Niger, to Barruwa on Lake Tchad, drawn in such manner as to comprise in the sphere of action of the Niger Company all that fairly belongs to the Kingdom of Sokoto; the line to be determined by the Commissioners to be appointed.

The Government of Her Britannic Majesty engages to appoint immediately two Commissioners to meet at Paris with two Commissioners appointed by the Government of the French Republic, in order to settle the details of the above-mentioned line. But it is expressly understood that even in case the labours of these Commissioners should not result in a complete agreement upon all details of the line, the Agreement between the two Governments as to the general delimitation above set forth shall nevertheless remain binding.

The Commissioners will also be intrusted with the task of determining the respective spheres of influence of the two countries in the region which extends to the west and to the south of the Middle and Upper Niger.

(Signed) SALISBURY.

London, August 5, 1890.

Il est bien entendu que l'établissement de ce Protectorat ne peut porter atteint aux droits et immunités dont jouissent les nationaux Anglais dans cet île.

2. Le Gouvernement de Sa Majesté Britannique reconnaît la zône d'influence de la France au sud de ses possessions Méditerranéennes, jusqu'à une ligne de Say sur le Niger, à Barruve sur le Lac Tchad, tracée de façon à comprendre dans la zône d'action de la Compagnie du Niger, tout ce qui appartient équitablement (fairly) au Royaume de Sokoto; la ligne à déterminer par les Commissaires nommés.

Le Gouvernement de Sa Majesté Britannique s'engage à nommer immédiatement deux Commissaires, qui se réuniront à Paris avec deux Commissaires nommés par le Gouvernement de la République Française, dans le but de fixer les détails de la ligne ci-dessus indiquée. Mais il est expressément entendu que quand même les travaux des Commissaires n'aboutiraient pas à une entente complète sur tous les détails de la ligne, l'accord n'en subsisterait pas moins entre les deux Gouvernements sur le tracé général ci-dessus indiqué.

Les Commissaires auront également pour mission de déterminer les zônes d'influence respectives des deux pays dans la région qui s'étend à l'ouest et au sud du moyen et du haut Niger.

(Signé) WADDINGTON.

Londres, le 5 *Août*, 1890.

AFRICA. No. 9 (1890).

DECLARATIONS exchanged between the Government of Her Britannic Majesty and the Government of the French Republic with respect to Territories in Africa.

Signed at London, August 5, 1890.

Presented to both Houses of Parliament by Command of Her Majesty. August 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COMMERCIAL. No. 1 (1890).

(FRANCE AND MALTA.)

CONVENTION

BETWEEN

HER MAJESTY AND THE PRESIDENT OF THE FRENCH REPUBLIC

FOR THE EXCHANGE OF

UNINSURED POSTAL PARCELS

BETWEEN

FRANCE AND THE ISLAND OF MALTA.

Signed at London, July 1, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

LONDON:
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[C.—5898.] *Price* 1*d.*

Convention between Her Majesty and the President of the French Republic for the Exchange of Uninsured Postal Parcels between France and the Island of Malta.

Signed at London, July 1, 1889.

[*Ratifications exchanged at London, August* 31, 1889.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the French Republic, wishing to facilitate commercial relations between France and the Island of Malta by means of the exchange of uninsured postal parcels on the basis of the Paris Conventions of the 3rd November, 1880, and the 18th June, 1886, have determined upon signing a Convention to that effect, and have named as their Plenipotentiaries for this purpose, namely:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.;

And the President of the French Republic, M. William Henri Waddington, Ambassador of the French Republic to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Senator, Member of the Institute, &c.;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

1. Uninsured parcels may be forwarded under the denomination of "postal parcels," viz.:

From France and Algeria for the Island of Malta up to the weight of 3 kilogrammes.

From the Island of Malta for France and Algeria up to the weight of 7 lbs. avoirdupois.

2. The Postal Administrations of the two countries may hereafter, if their respective Regulations permit, agree upon the rates and conditions applicable to parcels of 3 to 5 kilogrammes in weight.

SA Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande et le Président de la République Française, désirant faciliter les relations commerciales entre la France et l'Ile de Malte au moyen de l'échange des colis postaux sans déclaration de valeur, sur les bases des Conventions de Paris des 3 Novembre, 1880, et 18 Juin, 1886, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, le Très Honorable Robert Arthur Talbot Gascoyne Cecil, Marquis de Salisbury, Comte de Salisbury, Vicomte Cranborne, Baron Cecil, Pair du Royaume-Uni, Chevalier du Très Noble Ordre de la Jarretière, Membre du Très Honorable Conseil Privé de Sa Majesté, Principal Secrétaire d'État de Sa Majesté au Département des Affaires Étrangères, &c.;

Et le Président de la République Française, le Sieur Waddington (William Henri), Ambassadeur de la République Française près Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, Sénateur, Membre de l'Institut, &c.;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:—

ARTICLE I.

1. Il peut être expédié, sous la dénomination de "colis postaux," des colis sans déclaration de valeur, savoir:

De la France et de l'Algérie pour l'Ile de Malte jusqu'à concurrence de 3 kilogrammes;

De l'Ile de Malte pour la France et l'Algérie jusqu'à concurrence de 7 livres avoirdupoids.

2. Est réservé aux Administrations des Postes des deux pays le droit de déterminer ultérieurement, d'un commun accord, si leurs Règlements respectifs le permettent, les prix et conditions applicables aux colis de plus de 3 kilogrammes jusqu'à 5 kilogrammes.

ARTICLE II.

The Postal Administration of France will provide the sea conveyance between the two countries by means of a subsidied line of mail-packets.

ARTICLE III.

For each parcel forwarded from France or Algeria addressed to the Island of Malta, the Postal Administration of France pays to that of the Island of Malta, viz. :—

A land rate of 75 centimes.

For each parcel forwarded from the Island of Malta addressed to France or Algeria, the Postal Administration of Malta pays to that of France, viz. :—

1. A land rate of 50 centimes.
2. A sea rate of 50 centimes.

ARTICLE IV.

The prepayment of postal parcels is compulsory.

ARTICLE V.

1. The conveyance between Continental France on the one hand, and Algeria and Corsica on the other, gives rise to a surcharge of 25 centimes per parcel as a sea rate to be levied from the sender.

Parcels originating in, or addressed to, places in the interior of Corsica and Algeria give rise, in addition, to a surcharge of $2\frac{1}{2}d.$ (25 centimes) per parcel, which is also to be paid by the sender.

These surcharges, when collected, are credited by the Administration of the Island of Malta to the French Administration.

2. The French Government reserves to itself the right to levy a surcharge of 25 centimes in the case of postal parcels exchanged between Continental France and the Island of Malta.

ARTICLE VI.

The country of destination may receive from the addressee a delivery rate, including the costs of Customs formalities not to exceed 25 centimes for each parcel.

ARTICLE VII.

The parcels to which the present Convention applies cannot be subjected to any postal charge other than those contemplated by the foregoing Articles III, V, and VI, and by Article VIII following.

ARTICLE II.

L'Administration des Postes de France assurera le transport par mer entre les deux pays au moyen des paquebots-poste subventionnés.

ARTICLE III.

Pour chaque colis expédié de la France et ed l'Algérie à destination de l'Ile de Malte, l'Administration des Postes de France paye à celle de Malte, savoir :—

Un droit territorial de 75 centimes.

Pour chaque colis expédié de Malte à destination de la France et de l'Algérie, l'Administration des Postes de Malte paie à celle de France :—

1. Un droit territorial de 50 centimes.
2. Un droit maritime de 50 centimes.

ARTICLE IV.

L'affranchissement des colis postaux est obligatoire.

ARTICLE V.

1. Le transport entre la France Continentale, d'une part, et l'Algérie et la Corse, de l'autre, donne lieu à une surtaxe de 25 centimes par colis, à titre de droit maritime, à percevoir sur l'expéditeur.

Tout colis provenant, ou à destination des localités de l'intérieur de la Corse et de l'Algérie, donne lieu en outre à une surtaxe de 25 centimes par colis, qui est également à la charge de l'expéditeur.

Ces surtaxes sont, le cas échéant, bonifiées par l'Administration de l'Ile de Malte à l'Administration Française.

2. Le Gouvernement Français se réserve la faculté de faire usage d'une surtaxe de 25 centimes à l'égard des colis postaux échangés entre la France Continentale et l'Ile de Malte.

ARTICLE VI.

Il est loisible au pays de destination de percevoir du destinataire pour le factage et pour l'accomplissement des formalités en Douane un droit dont le montant total ne peut excéder 25 centimes par colis.

ARTICLE VII.

Les colis auxquels s'applique la présente Convention ne peuvent être frappés d'aucun droit postal autre que ceux prévus par les Articles III, V, et VI précédents, et par l'Article VIII ci-après.

ARTICLE VIII.

The redirection of postal parcels from one country to the other, in consequence of the removal of the addressees, as well as the return of undelivered postal parcels, gives rise to a supplementary charge of the taxes fixed by Articles III, V, and VI, against the addressees or the senders, as the case may be, without prejudice to the reimbursement of the customs or other duties paid.

ARTICLE VIII.

La réexpédition des colis postaux de l'un des deux pays sur l'autre, par suite de changements de résidence des destinataires, ainsi que le renvoi des colis postaux tombés en rebut, donne lieu à la perception supplémentaire des taxes fixées par les Articles III, V, et VI, à la charge des destinataires ou, le cas échéant, des expéditeurs, sans préjudice du remboursement des droits de douane ou autres acquittés.

ARTICLE IX.

It is forbidden to send by post parcels containing letters or notes having the character of correspondence, or articles the admission of which is not authorized by the Customs or other Laws or Regulations.

ARTICLE IX.

Il est interdit d'expédier par la voie de la poste des colis contenant, soit des lettres ou des notes ayant le caractère de correspondance, soit des objets dont l'admission n'est pas autorisée par les Lois ou Règlements de Douane ou autres.

ARTICLE X.

1. Except in cases beyond control, when a postal parcel has been lost or damaged, the sender, and, in default or at the request of the sender, the addressee, is entitled to an indemnity corresponding with the actual amount of the loss or damage; provided always that this indemnity may not exceed 15 fr.

2. The obligation of paying the indemnity rests with the Administration to which the dispatching office is subordinate. To that Administration is reserved a remedy against the corresponding Administration when the loss or damage occurred on the territory or in the service of this latter Administration.

3. Until the contrary be proved, the responsibility rests with the Administration which, having received the parcel without making any observation, cannot prove the delivery to the addressee, or if such be the case, the retransmission of the parcel.

4. The payment of the indemnity by the dispatching office ought to take place as soon as possible, and at the latest, within a year of the date of the application. The responsible office is bound to refund to the dispatching office without delay, the amount of the indemnity paid by the latter.

5. It is understood that the application for an indemnity is only entertained if made within a year of the posting of the parcel; after this term the applicant has no right to any indemnity.

6. If the loss or the damage occurred in course of conveyance between the exchanging offices of the two countries, without its being possible to establish in which of the two

ARTICLE X.

1. Sauf le cas de force majeure, lorsqu'un colis postal a été perdu ou avarié, l'expéditeur et, à défaut ou sur la demande de celui-ci, le destinataire, a droit à une indemnité correspondant au montant réel de la perte ou de l'avarie, sans toutefois que cette indemnité puisse dépasser 15 fr.

2. L'obligation de payer l'indemnité incombe à l'Administration dont relève le bureau expéditeur. Est réservé à cette Administration le recours contre l'Administration correspondante, lorsque la perte ou l'avarie a eu lieu sur le territoire ou dans le service de cette dernière Administration.

3. Jusqu'à preuve du contraire, la responsabilité incombe à l'Administration qui, ayant reçu le colis sans faire d'observation, ne peut établir ni la délivrance au destinataire, ni, s'il y a lieu, la réexpédition de ce colis.

4. Le paiement de l'indemnité par l'office expéditeur doit avoir lieu, le plus tôt possible, et, au plus tard, dans le délai d'un an à partir du jour de la réclamation. L'office responsable est tenu de rembourser sans retard à l'office expéditeur le montant de l'indemnité payée par celui-ci.

5. Il est entendu que la réclamation n'est admise que dans le délai d'un an à partir du dépôt du colis à la poste; passé ce terme, le réclamant n'a droit à aucune indemnité.

6. Si la perte ou l'avarie a eu lieu en cours de transport entre les bureaux d'échange des deux pays, sans qu'il soit possible d'établir dans lequel des deux

Services it took place, the two Administrations concerned bear each a half of the loss.

7. The Administrations cease to be responsible for postal parcels of which the owners have accepted delivery.

ARTICLE XI.

The internal legislation of each of the contracting countries remains applicable as regards everything not provided for by the stipulations contained in the present Convention.

ARTICLE XII.

The Postal Administrations of the two contracting countries indicate the offices or localities which they admit to the international exchange of postal parcels; they regulate the mode of transmission of these parcels, and fix all other measures of detail and order necessary for insuring the performance of the present Convention.

ARTICLE XIII.

The Postal Administrations of France and of the Island of Malta shall fix, by common consent, in accordance with the procedure laid down by the Paris Convention of the 3rd November, 1880, and, if necessary, by the Additional Act of Lisbon of the 21st March, 1885, the conditions under which there may be exchanged between their respective offices of exchange postal parcels originating in or addressed to foreign countries and sent in transit through one or the other country.

ARTICLE XIV.

As soon as the internal Regulations of the Island of Malta admit of it, the system of certificates of delivery in force between countries participating in the Paris Convention of the 3rd November, 1880, shall be extended, by mutual consent, by the Administrations of the two Contracting Parties, to the parcels addressed from one of the two States to the other.

ARTICLE XV.

The French Government reserves to itself the right to have the clauses of this Convention executed by means of the railway and navigation enterprises. It may at the same time limit the service to parcels originating in or addressed to places served by those undertakings.

Services le fait s'est accompli, les deux Administrations supportent le dommage par moitié.

7. Les Administrations cessent d'être responsables des colis postaux dont les ayants droit ont pris livraison.

ARTICLE XI.

La législation intérieure de chacun des pays contractants demeure applicable en tout ce qui n'est pas prévu par les stipulations contenues dans la présente Convention.

ARTICLE XII.

Les Administrations des Postes des deux pays contractants désignent les bureaux ou localités qu'elles admettent à l'échange international des colis postaux ; elles règlent le mode de transmission de ces colis et arrêtent toutes les autres mesures de détail et d'ordre nécessaires pour assurer l'exécution de la présente Convention.

ARTICLE XIII.

L'Administration des Postes de France et l'Administration des Postes de l'Ile de Malte fixeront, d'un commun accord, d'après le régime établi par la Convention de Paris du 3 Novembre, 1880, et, s'il y a lieu, par l'Acte Additionnel de Lisbonne du 21 Mars, 1885, les conditions auxquelles pourront être échangés entre leurs bureaux d'échange respectifs les colis postaux originaires ou à destination des pays étrangers qui emprunteront l'intermédiaire de l'un des deux Services pour correspondre avec l'autre.

ARTICLE XIV.

Dès que les Règlements intérieurs de l'Ile de Malte le permettront, le régime des avis de réception en vigueur dans les relations entre pays participant à la Convention de Paris du 3, Novembre, 1880, sera étendu, d'un commun accord, par les Administrations des deux Parties Contractantes, aux colis postaux adressés de l'un des deux États dans l'autre.

ARTICLE XV.

Est réservé au Gouvernement Français le droit de faire exécuter les clauses de la présente Convention par les entreprises de chemin de fer et de navigation. Il pourra en même temps limiter ce service aux colis provenant ou à destination de localités desservies par ces entreprises.

The French Postal Administration will come to an understanding with the railway and navigating enterprises in order to insure the complete execution by these latter of this Convention in all its clauses, and for the organization of the service of exchange.

It will also act as the intermediary for all communications between those enterprises and the Postal Administration of the Island of Malta.

L'Administration des Postes de France s'entendra avec les entreprises de chemins de fer et de navigation pour assurer la complète exécution, par ces dernières, de toutes les clauses de la Convention ci-dessus, et pour organiser le service d'échange.

Elle leur servira d'intermédiaire pour toutes leurs relations avec l'Administration des Postes de l'Ile de Malte.

ARTICLE XVI.

1. The present Convention, after having been promulgated according to the special laws of each of the two States, shall come into operation on a date to be agreed upon by the Postal Administrations of the two countries.

2. It shall remain in force until one of the two Contracting Parties shall have given notice to the other, one year in advance, of its intention to terminate it.

ARTICLE XVI.

1. La présente Convention sera mise à exécution à partir du jour dont conviendront les Administrations des Postes des deux pays, après que la promulgation en aura été faite selon les lois particulières à chacun des deux États.

2. Elle demeurera obligatoire jusqu'à ce que l'une des deux Parties Contractantes ait annoncé à l'autre, mais un an à l'avance, son intention d'en faire cesser les effets.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Signed in London, the 1st day of July, in the year of Our Lord 1889.

ARTICLE XVII.

La présente Convention sera ratifiée et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, qu'ils ont revêtue de leurs cachets.

Fait à Londres, le 1er Juillet, l'an de grâce 1889.

(L.S.) SALISBURY.
(L.S.) WADDINGTON.

COMMERCIAL. No. 1 (1890).

(FRANCE AND MALTA.)

CONVENTION between Her Majesty and the President of the French Republic for the Exchange of Uninsured Postal Parcels between France and the Island of Malta.

Signed at London, July 1, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

GERMANY. No. 1 (1890).

GERMAN LAW OF JUNE 1, 1870,

RESPECTING

NATIONALITY.

Presented to both Houses of Parliament by Command of Her Majesty.
July 1890.

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[C.—6047.] *Price* 1*d.*

German Law respecting the Acquisition and the Loss of the Federal and State Nationality.—June 1, 1870.

(Translation.)

WE, William, by the grace of God King of Prussia, &c., decree in the name of the North German Confederation, with the approval of the Federal Council and the Reichstag, as follows:—

§ 1. The Federal nationality is acquired through the State nationality in one of the States of the Confederation, and lapses with the loss of the same.

Subjects of the Grand Duchy of Hesse only possess the Federal nationality if they are domiciled in that part of the Grand Duchy which belongs to the Confederation.

§ 2. The State nationality in any one of the States of the Confederation will henceforth only be attained:—

1. By descent (§ 3).
2. By legitimation (§ 4).
3. By marriage (§ 5).
4. For a North German, by admission, and
5. For a foreigner, by naturalization (§ 6, &c.).

§ 3. By birth, even if this takes place abroad, the legitimate children of a North German acquire the State nationality of the father, and the illegitimate children of a North German woman the State nationality of the mother.

§ 4. If the father of an illegitimate child is a North German, and if the mother does not possess the State nationality of the father, the child can acquire the State nationality of the father by a legitimation carried out in accordance with the provisions of the law.

§ 5. Marriage with a North German procures for the wife the State nationality of the husband.

§ 6. Admission, as well as naturalization (§ 2, Nos. 4 and 5) is obtained by a certificate issued by the higher administrative authorities.

§ 7. The certificate of admission is issued to every national of another State of the Confederation, who applies for the same and proves that he has established himself in the State into which he seeks admission, provided that no cause can be shown which, according to §§ 2 to 5 of the Law concerning the right of emigration of the 1st November, 1867 ("Bundesgesetzblatt," p. 55), which would justify the rejection of an immigrant or a refusal to permit a continuation of his residence.

§ 8. The certificate of naturalization may only be issued to foreigners when they can show that they:

1. Are legally responsible persons according to the laws of the country to which they have hitherto belonged, or, in the absence of this quality, that the approval of the father, guardian, or curator of the applicant has been obtained;
2. That they have led a blameless life;
3. That they have a house or lodging in the place where they intend to settle;
4. That according to the conditions of life in the place where they intend to settle, they will be able there to support themselves and those dependent upon them.

Before the issue of the certificate of naturalization, the administrative

authority must consult the parish authorities or the Poor Law Committee of the place where the immigrant proposes to settle with regard to the requirements above stated under Nos. 2, 3, and 4, and take their opinion.

With the condition of reciprocity, subjects of the Kingdoms of Bavaria and Würtemberg and the Grand Duchy of Baden will be required to prove, before they are naturalized, that they have fulfilled their duties in regard to military service towards the country to which they have hitherto belonged.

§ 9. An appointment made or confirmed by the Government or by the central or higher administrative authorities of a State of the Confederation, by which a foreigner or subject of another State of the Confederation has been admitted into the immediate or indirect service of the State, or into the service of the church, schools, or commune, shall be equivalent to a certificate of naturalization or admission, as the case may be, except where an express understanding to the contrary has been inserted in the appointment.

If a foreigner has been appointed to a position in the Federal service, he thereby acquires the nationality of the State in which his official residence is situated.

§ 10. The certificate of naturalization or of admission, involves, from the moment of its issue, all the rights and duties connected with the State nationality.

§ 11. The grant of State nationality extends, except when a special provision to the contrary is made, to the wife and to the children under age, when the latter are still in their father's custody.

§ 12. A domicile within one of the States of the Confederation does not of itself involve the acquirement of the State nationality.

§ 13. The State nationality can henceforth only be lost:—

1. By release upon application (§§ 14, &c.).

2. By an Edict of the authorities (§§ 20 and 22).

3. By a residence of ten years abroad (§ 21).

4. In the case of illegitimate children by a duly executed legitimation according to the provisions of the law, when the father is a subject of a different State to the mother.

5. By a North German woman in the case of her marriage with a subject of another State of the Confederation, or with a foreigner.

§ 14. The release is granted by a certificate of release issued by one of the higher administrative authorities of the State to which the person in question has hitherto belonged.

§ 15. The release will be accorded to every subject who can prove that he has acquired the State nationality of another State of the Confederation.

In the absence of such proof it cannot be granted to:—

1. Persons from whom military service is due, and who are between the ages of 17 to 25 years, until they have produced a certificate from the District Conscription Committee, that they do not seek their release merely for the purpose of evading service in the army or navy.

2. To persons who are actually in military service in the army or navy; to officers of the Reserve and State officials, until they have been released from the service.

3. To persons belonging to the reserve of the standing army and the "Landwehr," or to the naval reserve and to the "Seewehr," not being officers, after they have been called in for active service.

§ 16. North Germans who desire to emigrate to the Kingdom of Bavaria, the Kingdom of Würtemberg, or to the Grand Duchy of Baden, or to those parts of the Grand Duchy of Hesse which do not belong to the Confederation, will, in case of reciprocity, be refused their release until they shall have proved that the State in question is willing to admit them.

§ 17. The release must not be refused, in time of peace, upon other grounds than those stated in §§ 15 and 16. For the duration of a war, or times of danger of war, the Presidency of the Confederation reserves to itself the right of decreeing special measures.

§ 18. The certificate of release involves, from the date of its issue, the loss of State nationality.

The release becomes void, if the person in question has not, within six

months of the day of issue of the certificate of release, removed his domicile beyond the frontiers of the Federal territory, or acquired the State nationality of another State of the Confederation.

§ 19. The release extends, except when a special provision to the contrary is made, also to the wife and the children under age, who are still under their father's custody.

§ 20. North Germans who reside abroad, can, by a Decree of the Central authority of their native State, be deprived of their nationality if, in case of war, or danger of war, they do not respond, within the time prescribed therein, to a summons to return, which shall be issued by the Presidency of the Confederation for the whole Federal territory.

§ 21. North Germans who have left the Federal territory and remain abroad for an uninterrupted period of ten years, lose their nationality thereby. The above-mentioned period will be calculated from the date of departure from the Federal territory, or, if the person leaving is possessed of a passport or a certificate of domicile, from the date of the expiration of the validity of such document.

Registration in the books of a Federal Consulate interrupts the period, which recommences on the day after such registration is cancelled.

Forfeiture so obtained of State nationality extends equally to the wife and to the children who are minors under the paternal control as well as those who are with the husband, that is to say, the father.

The period of ten years can be reduced by a State permission to a period of five years for North Germans who remain in a foreign State at least for an uninterrupted period of five years, and acquire State nationality in the same. Whether the parties concerned are in possession or not of a passport or certificate of domicile makes no difference. North Germans who lose their State nationality owing to a ten years' residence abroad, and who have not acquired any other State nationality, can reobtain State nationality in their former home State, even without settling there.

North Germans who have lost their State nationality owing to a ten years' residence abroad, and then return to the territory of the North German Federation, acquire State nationality in that State of the Confederation in which they have settled by means of a public certificate of admission which is issued by one of the higher officials of the Administration. This certificate must be granted to them on application.

§ 22. If a North German enters the service of a foreign State without his Government's permission, the Central authorities of his parent State can declare him, by a Decree, to have lost his nationality, if he does not comply, within a time fixed therein, with an explicit summons to leave.

§ 23. If a North German enters the service of a foreign State with the permission of his Government, he retains his nationality.

§ 24. Certificates of admission, and in the cases of § 15, section 1, certificates of release are issued gratis.

The stamp duty and issue fee for certificates of release other than those designated in § 15, section 1, must not amount to more than a thaler (3*s.*) at most.

§ 25. For those natives of States of the Confederation who are residing abroad at the time of the issue of this Law, and who, according to the laws of their State, have lost their State nationality owing to a ten years', or longer, absence abroad, the course of this period is not interrupted by this Law.

For natives of other States of the Confederation, the period fixed in § 21 begins on the day this Law comes into force.

§ 26. All Ordinances contrary to this Law are annulled.

§ 27. This Law comes into force on the 1st January, 1871.

Published under our hand and the seal of the Confederation, at the Castle of Babelsberg, the 1st June, 1870.

(Signed) WILHELM.

(Signed) BISMARCK.

GERMANY. No. 1 (1890).

German Law of June 1, 1870, respecting Nationality.

Presented to both Houses of Parliament by Command of Her Majesty. July 1890.

LONDON
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COMMERCIAL. No. 8 (1890).

CORRESPONDENCE

RESPECTING THE

PROPOSED LABOUR CONFERENCE

AT

BERLIN.

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March 1890.

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[C.—5914.] *Price* 1*d.*

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Correspondence respecting the proposed Labour Conference at Berlin.

No. 1.

Prince Bismarck to Count Leyden.—(Communicated to the Marquis of Salisbury by Count Leyden, February 12.)

(Translation.) *Berlin, February 8, 1890.*

THE competition of nations in the trade of the world, and the community of interests proceeding therefrom, makes it impossible to create successful institutions for the benefit of working men of one country without curtailing that country's power of competing with other countries. Such institutions can only be established on a basis adopted in common in all countries concerned. The working classes of the different countries have, in due appreciation of this fact, established international relations aiming at the improvement of their condition. But efforts in this direction cannot meet with success unless the Governments interested endeavour to come to an agreement on the more important questions concerning the welfare of the working classes by means of international discussion.

You are aware that the most important points under consideration refer to Sunday rest, restriction of female and child labour, and to agreements in regard to a limit for the length of the working day.

By command of His Majesty the Emperor and King, I request you to inform Her Majesty's Government of the Emperor's intentions, and to ask them to favour us with an answer as to whether they are inclined in principle to enter with us and the Governments of other industrial countries into such a discussion, the programme of which we will prepare in greater detail as soon as we are assured of the willingness of Her Majesty's Government to enter with us into a common examination of the question. You will find inclosed the text of the instructions which I have received from the Emperor. You are authorized to read this despatch and its inclosure to the Minister for Foreign Affairs, and to give him a copy thereof should he desire it.

(Signed) VON BISMARCK.

No. 2.

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, February 22, 1890.*

THE inclosed Memorandum* was left with me by Count Leyden on the 12th instant. I have duly submitted it to the Queen; and I have to say, in response to the invitation of His Imperial Majesty the German Emperor, that Her Majesty's Government will gladly take part in a Conference summoned to examine into the grave questions which have been raised with respect to the welfare of the working men in all civilized countries, and the solution of which may be facilitated by international co-operation.

It is intimated in the Memorandum that a more definite programme will be laid before us as soon as the general concurrence of the Governments addressed has been obtained. I will not, therefore, attempt to indicate the precise direction which the deliberations of such a Conference should take. In reference, however, to the points specially mentioned, it may be desirable to draw the attention of the Minister for Foreign Affairs to one ambiguity of expression.

* No. 1.

If the words "Vereinbarungen über eine Grenze der täglichen Arbeitszeit" ("agreements in regard to a limit for the length of the working day") imply a policy of direct legislative restrictions upon the liberty of adult male workmen to work as long as they please, it is right to say that the principles of legislation accepted in this country would preclude Her Majesty's Government from making such a proposal to Parliament. If, however, they only suggest provisions for facilitating the conclusion of free agreements upon this matter between employers and employed, Her Majesty's Government have no exception to take to its inclusion among the subjects on which the Conference will deliberate.

I am, &c.
(In the absence of the Marquis of Salisbury),
(Signed) JAMES FERGUSSON.

No. 3.

Count Hatzfeldt to the Marquis of Salisbury.—(Received February 28.)

LE Soussigné, Ambassadeur d'Allemagne, en se référant à la communication verbale du 13 de ce mois, a l'honneur, d'ordre de son Gouvernement, de porter à la connaissance de son Excellence M. le Marquis de Salisbury que Sa Majesté l'Empereur d'Allemagne propose une réunion de représentants des Gouvernements intéressés à améliorer le sort des ouvriers industriels et mineurs, en vue d'examiner les questions d'un intérêt international consignées dans l'annexe. Les questions étant sans portée politique se prêtent à l'examen par des hommes spéciaux.

Pour faciliter l'entrée en matière et le cours des délibérations, le Gouvernement Impérial a fait dresser un programme, dont le texte est joint à cette note.

Le Soussigné a l'honneur de prier son Excellence M. le Marquis de Salisbury de vouloir bien lui faire savoir si le Gouvernement de Sa Majesté Britannique est disposé à participer à la Conférence proposée, qui se réunira à Berlin le 15 Mars, 1890. Le Soussigné se permet d'ajouter qu'une invitation semblable est simultanément adressée aux Gouvernements de leurs Majestés l'Empereur d'Autriche-Hongrie, le Roi des Belges, le Roi de Danemark, de la République Française, de Sa Majesté la Reine de Grande-Bretagne, de la Confédération Helvétique, de leurs Majestés le Roi d'Italie, le Roi des Pays-Bas, le Roi de Suède et de Norvège.

Le Soussigné, &c. (Signé) HATZFELDT.
Ambassade d'Allemagne, Londres, le 27 *Février*, 1890.

(Translation.)

AT the command of his Government, and with reference to his verbal communications of the 13th of this month, the undersigned Ambassador of Germany has the honour to inform his Excellency the Marquis of Salisbury that His Majesty the German Emperor proposes to hold a meeting of the Representatives of the Governments interested in improving the lot of operatives and miners with a view to investigate the questions of international interest, of which a list is annexed.

These questions being outside the range of politics are well adapted for examination by experts.

To facilitate the conduct of business and the course of the discussion the Imperial Government has drawn up a programme, of which the text is inclosed in this note.

The Undersigned begs his Excellency the Marquis of Salisbury to be good enough to inform him if Her Britannic Majesty's Government is disposed to take part in the proposed Conference, which will meet at Berlin on the 15th March, 1890.

The Undersigned begs to add that a similar invitation has at the same time been addressed to the Governments of their Majesties the Emperor of Austria-Hungary, the King of the Belgians, the King of Denmark; to the Governments of the French Republic, of Her Majesty the Queen of Great Britain, of the Swiss Confederation, of their Majesties the King of Italy, the King of the Netherlands, and the King of Sweden and Norway.

The Undersigned, &c. (Signed) HATZFELDT.
German Embassy, London, February 27, 1890.

Inclosure in No. 3.

Programme des Déliberations de la Conférence Internationale concernant le Réglement du Travail aux Établissements Industriels et dans les Mines.

I.—*Réglement du Travail dans les Mines.*

1. Le travail sous terre, doit-il être défendu :

(*a.*) Aux enfants au-dessous d'un certain âge ?
(*b.*) Aux personnes de sexe féminin ?

2. La journée de travail dans les mines offrant des dangers particuliers pour la santé, doit-elle être soumise à des restrictions ?

3. Pourra-t-on dans l'intérêt public, pour assurer la continuité de la production du charbon, soumettre le travail dans les houillères à un Règlement international ?

II.—*Réglement du Travail du Dimanche.*

1. L'interdiction du travail du Dimanche, doit-elle former la règle, sauf le cas d'exception nécessaire ?

2. Si l'on arrivait à une entente par rapport à l'interdiction du travail du Dimanche, quelles seraient les exceptions admissibles ?

3. De quelle manière serait statué sur ces cas d'exception : par une entente internationale, par les lois, ou par voie administrative ?

III.—*Réglement du Travail des Enfants.*

1. Les enfants, n'ayant pas atteint un certain âge, doivent-ils être exclus du travail dans les établissements industriels ?

2. Quel âge doit former la limite d'exclusion du travail des enfants ?

Cette limite d'âge doit-elle être la même pour toutes les exploitations, ou admettra-t-on sous ce rapport des différences ?

3. Quelles restrictions, quant à la durée de la journée et au genre d'emploi, doit-on prévoir en ce qui concerne les enfants admis au travail dans les établissements industriels ?

IV.—*Réglement du Travail des Jeunes Ouvriers.*

1. Le travail dans les établissements industriels des jeunes ouvriers passés l'âge de l'enfance (I.—2), doit-il être soumis à certaines restrictions ?

2. Quelle est la limite d'âge jusqu'à laquelle ces restrictions doivent avoir lieu ?

3. Quelles restrictions seraient à prescrire ?

4. Doit-on, quant à certaines catégories d'exploitation, prévoir des exceptions aux règles générales ?

V.—*Réglement du Travail des Femmes.*

1. Le travail de jour ou de nuit, des femmes mariées, doit-il être soumis à des restrictions ?

2. Le travail aux fabriques de toutes les femmes et filles, doit-il être soumis à certaines restrictions ?

3. Quelles restrictions seraient en ce cas à recommander ?

4. Doit-on prévoir pour certaines catégories d'exploitation des exceptions aux règles générales, et quelles seraient dans l'espèce ces catégories ?

VI.—*Mise à l'exécution des Dispositions adoptées par la Conférence.*

1. Devra-t-on prendre des mesures en vue de l'exécution des dispositions à adopter par la Conférence, et de la surveillance de ces mesures ?

2. Y a-t-il lieu de prévoir des réunions réitérées en Conférence des Délégués des Gouvernements participants, et sur quels points leurs délibérations devraient-elles porter ?

(Translation.)

Programme of Subjects for Discussion by the International Conference respecting the Regulation of Labour in Factories and Mines.

I.—*Regulation of Labour in Mines.*

1. Whether underground labour shall be forbidden—

(*a.*) For children below a certain age?
(*b.*) For persons of the female sex?

2. Inasmuch as the working-day in mines is fraught with great danger to health, should it be subject to limitation?

3. Whether it would be possible in the public interest, in order to assure the regularity of the output of coal, to subject labour in mines to international Regulations?

II.—*Regulation of Sunday Labour.*

1. Whether, as a rule, except in cases of necessary exception, Sunday labour should be prohibited?

2. If an understanding with regard to the prohibition of Sunday labour should be arrived at, what exceptions should be allowed?

3. Whether these exceptions should be determined by international agreement, by law, or by administrative measures?

III.—*Regulation of Child Labour.*

1. Whether children below a certain age should be excluded from labour in factories?

2. What age should be the limit for excluding children from work? Whether this limit of age should be the same for all branches of industry, or whether a difference should be made?

3. What restrictions with regard to length of day and kind of employment should be imposed in the case of children working in factories?

IV.—*Regulation of Labour for Youths.*

1. Whether the work of young men in factories, who have passed the age of childhood (1-2), should be subjected to certain restrictions?

2. What is the limit of age up to which these restrictions should be imposed?

3. What restrictions should be prescribed?

4. Whether exceptions to the general rule should be made in certain branches of industry?

V.—*Regulation of Female Labour.*

1. Should the day or night work of married women be subject to restriction?

2. Whether the working in factories of all women and girls should be subject to certain restrictions?

3. If so, what restrictions should be imposed?

4. Should exceptions to the general rule be made in certain branches of industry, and, if so, what should be these branches?

VI.—*The putting into force of Provisions adopted by the Conference.*

1. Whether steps should be taken to put in force the provisions adopted by the Conference and to provide for their supervision?

2. Whether the Delegates of the Governments interested should hold further Conferences and what questions should engage their attention?

No. 4.

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, March* 3, 1890.

I INCLOSE, for your Excellency's information, a copy of a note from the German Ambassador at this Court,* conveying a formal invitation to Her Majesty's Government to be represented at the International Labour Conference which is to meet at Berlin on the 15th instant.

Count Hatzfeldt, when handing in the note, said that he was instructed to state that the discussions of the Conference would refer not to political but to economic questions and would have a technical, not a diplomatic, character. Foreign Governments would meet the wishes of the German Government by sending Technical Delegates.

His Excellency added that the favourable reception given by Her Majesty's Government to the preliminary communication on the subject induced the German Government to hope that they would accept the invitation.

I am, &c.
(Signed) SALISBURY.

No. 5.

The Marquis of Salisbury to Count Hatzfeldt.

M. l'Ambassadeur, *Foreign Office, March* 6, 1890.

I HAVE pleasure in announcing to your Excellency that Her Majesty's Government accept the invitation conveyed in your note of the 27th ultimo to take part in the Conference on the Labour question which His Majesty the German Emperor has proposed shall meet at Berlin on the 15th instant.

I hope shortly to make known to your Excellency, for the information of the German Government, the names of the gentlemen who will be appointed to represent this country at the Conference.

I have, &c.
(Signed) SALISBURY.

---

* No. 3.

COMMERCIAL. No. 8 (1890).

Correspondence respecting the proposed Labour Conference at Berlin.

Presented to both Houses of Parliament by Command of Her Majesty. March 1890.

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COMMERCIAL. No. 16 (1890).

FURTHER CORRESPONDENCE

RESPECTING THE

INTERNATIONAL LABOUR CONFERENCE

AT

BERLIN.

[In continuation of "Commercial No. 8: 1890."—C. 5914.]

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Correspondence respecting the International Labour Conference at Berlin.

No. 1.

The Marquis of Salisbury to Sir J. Gorst, M.P., Mr. Scott, Sir W. Houldsworth, M.P., and Mr. Dale.

Gentlemen, *Foreign Office, March* 13, 1890.

THE Queen has been graciously pleased to appoint you to be Her Majesty's Plenipotentiaries at the Conference on the Labour question which is to meet at Berlin on the 15th instant.

Papers on the subject, which have been supplied to you, will make you acquainted with the objects of this Conference, and with the action taken in regard to it in different countries. The instructions of Her Majesty's Government will be conveyed to you in a subsequent despatch.

I am, &c.
(Signed) SALISBURY.

No. 2.

The Marquis of Salisbury to Sir J. Gorst.

Sir, *Foreign Office, March* 13, 1890.

I HAVE the honour to inform you that the following gentlemen have been appointed to act with you as Delegates at the approaching Labour Conference at Berlin: Mr. Charles S. Scott, C.B., Her Majesty's Minister at Berne; Sir William H. Houldsworth, Bart., M.P.; and Mr. David Dale (of the firm of Messrs. Sir Joseph Pease and Co.); and the following gentlemen will act with you as Expert Delegates: Mr. Thomas Burt, M.P.; Mr. Frederick H. Whymper, one of the Superintending Inspectors of Factories; Mr. John Burnett, Labour Correspondent of the Board of Trade; and Mr. J. Birtwistle, Secretary to the United Weavers' Association.

The subjects to which the attention of the Conference will be directed have been generally indicated in the programme which has been communicated to Her Majesty's Government by Count Hatzfeldt, and which is inclosed herewith.* The nature of the proposals which are likely to be made is only approximately described, and the area of discussion which they may cover is very wide if full development be given to them in the deliberations of the Conference. Under these circumstances, I do not think that any good purpose would be answered by an attempt on the part of Her Majesty's Government to give you detailed instructions.

The whole subject is one of the deepest importance, and every proposal which promises an improvement in the condition of the great multitude of men who live by labour in factories or mines will naturally receive the most attentive consideration at your hands. On the other hand, you are familiar with the efforts which have been made in this direction for two generations back by the Parliament of this country, and you will not be disposed too readily to accept benevolent projects which travel beyond the well-considered limits within which the legislation in this country has uniformly confined its interference. There is, however, every ground for believing that your colleagues in the Conference will be disposed to observe a similar reserve, and will

* See "Commercial No. 8 (1890)."

concentrate their attention upon such plans and suggestions as may give a hope of benefiting the labouring man without interfering with the freedom of labour.

You will take all proposals to which you may be disposed to assent *ad referendum*, and communicate them to me, if necessary, by telegraph.

I am, &c.
(Signed) SALISBURY.

No. 3.

*The Marquis of Salisbury to Mr. Burt, M.P.**

Sir, *Foreign Office, March* 13, 1890.

I HAVE to inform you that you have been appointed a Delegate to assist in technical matters Her Majesty's Plenipotentiaries at the Labour Conference which is about to assemble at Berlin.

I inclose, for your information, a copy of a Parliamentary paper containing correspondence on the subject. You will be informed, either by this Office or by Her Majesty's Plenipotentiaries, as to the date of your attendance at Berlin; and a further communication will be made to you with respect to your expenses.

I am, &c.
(Signed) SALISBURY.

No. 4.

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, March* 14, 1890.

I HAVE to inform your Excellency that the Right Honourable Sir John Eldon Gorst, Q.C., M.P., Under-Secretary of State for India, Mr. C. S. Scott, C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Berne, Sir W. H. Houldsworth, Bart., M.P., and Mr. David Dale have been appointed Her Majesty's Plenipotentiaries at the Labour Conference which is about to assemble at Berlin.

The following gentlemen have been appointed Delegates to assist Her Majesty's Plenipotentiaries in technical matters, namely, Mr. T. Burt, M.P., Mr. F. H. Whymper, one of Her Majesty's Superintending Inspectors of Factories, Mr. John Burnett, Labour Correspondent to the Board of Trade, and Mr. T. Birtwistle.

I am, &c.
(Signed) SALISBURY.

No. 5.

The Marquis of Salisbury to the British Plenipotentiaries at the Labour Conference.

Gentlemen, *Foreign Office, March* 15, 1890.

I TRANSMIT to you herewith the undermentioned documents, which it is thought will be of use to you in discussing the questions which are submitted to the International Labour Conference:—

The Acts of Parliament, and Regulations made thereunder, relating to Trades Unions.

"The Conspiracy and Protection of Property Act, 1875."

The Acts relating to Sunday trade and labour, and a Memorandum explanatory of their history and the present state of the law on the subject.

I am, &c.
(Signed) SALISBURY.

---

* Also to Mr. Whymper, Mr. Burnett, and Mr. Birtwistle.

No. 6.

Sir J. Gorst to the Marquis of Salisbury.—(*Received March* 17.)

My Lord, *Berlin, March* 15, 1890.

I HAVE the honour to report that the opening meeting of the Labour Conference took place to-day in the Palace of the Imperial Chancellor at 2 P.M.

The Minister of Commerce, Baron von Berlepsch, as President, welcomed the Representatives of the various countries, and requested them to thank their respective Governments for the alacrity with which they had accepted the invitation to the Conference.

The "projet de Règlement," of which copy is inclosed, was adopted unanimously. No other business was transacted, and the Conference adjourned till Monday next.

I have, &c.

(Signed) JOHN E. GORST.

Inclosure in No. 6.

CONFÉRENCE INTERNATIONALE DE BERLIN : 1890.

Projet de Règlement.

ARTICLE 1er. La langue Française est adoptée pour les discussions et pour les actes de la Conférence.

Art. 2. Il sera ouvert une discussion générale sur les questions formulées dans le programme de la Conférence. Puis, pour autant que la Conférence le jugera utile, les questions seront soumises à l'examen d'une Commission pour la composition de laquelle la Conférence se prononcera le cas échéant.

Les propositions faites par la Commission seront imprimées avant d'être mises en discussion. Il en sera de même, dans la règle, de toute proposition individuelle présentée au cours des débats et prise en considération par la Conférence.

Art. 3. Dans la règle toute proposition doit être remise par écrit au Président.

Art. 4. Avant de passer à la votation sur une proposition ou sur un groupe de propositions, la Conférence pourra les renvoyer encore à l'examen de la Commission.

Art. 5. La Conférence se réserve de nommer une Commission de Rédaction dans le cas où le cours des débats en aura démontré la nécessité.

Art. 6. Le vote a lieu par appel nominal des États suivant l'ordre alphabétique. Chaque délégation compte pour une voix.

Art. 7. Le procès-verbal donne une image succincte des délibérations. Il relate toutes les propositions formulées dans le cours de la discussion, avec le résultat des votations ; il donne en outre un résumé sommaire des arguments présentés.

Tout membre a le droit de réclamer l'insertion *in extenso* de son discours ; mais dans ce cas il est tenu d'en remettre le texte par écrit au Secrétariat dans la soirée qui suit la séance.

Les procès-verbaux des séances sont soumis en épreuves aux Représentants des États.

Art. 8. Pendant la durée de la Conférence le secret des débats sera strictement observé.

Art. 9. Le résultat des délibérations sera soumis à une rédaction finale. Puis il sera procédé, le cas échéant, à la signature d'un Protocole constatant le résultat des délibérations, lequel restera d'ailleurs subordonné à l'examen des Gouvernements respectifs.

[For Translation, see Protocol 1, p. 10.]

No. 7.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 19.)

My Lord, *Berlin, March* 17, 1890.

WE have the honour to report that three Commissions were appointed by the plenary sitting of the Labour Conference to-day.

The President of the first Commission, on work in mines, is Dr. Hauchecorne (Geheimer Bergrath), who explained paragraph 2 of section 1 of the programme to mean, "Whether, in certain parts of a mine in which the conditions of labour are specially unhealthy, the duration of a day's labour should, on sanitary grounds, be subject to legal restrictions."

Paragraph 3 was not explained, and is not to be discussed until progress has been made with paragraphs 1 and 2.

This Committee will sit from 10·30 till 1 o'clock daily.

In conversation with Mr. Dale, Dr. Hauchecorne observed that his remarks on paragraph 2 had special reference to temperature. In Germany the duration of labour in some mines is regulated according to the temperature of the mine.

The second Commission, on Sunday labour, has Prince Bishop Kopp as President.

No business was transacted.

The Commission is to meet provisionally at 11 A.M.

The third Commission, on the work of women, children, and young persons, is under the Presidency of M. Jules Simon, with M. Schnierer as Vice-President.

We have the honour to inclose copy of the list of Representatives and Delegates to the Conference, and of the first Protocol.

The British Representatives on the three Committees are as follows:—

On first Committee: Sir J. Gorst, Mr. Dale, Mr. Burt, M.P., and Mr. Burnett.

On second Committee: Sir J. Gorst, Sir W. Houldsworth, Mr. Whymper, and Mr. Burnett.

On third Committee: Mr. Scott, Sir W. Houldsworth, Mr. Whymper, and Mr. Birtwistle.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure in No. 7.

Protocole No. 1.—*Séance du* 15 *Mars,* 1890.

LES Gouvernements de l'Allemagne, de l'Autriche-Hongrie, de la Belgique, du Danemark, de l'Espagne, de la France, de la Grande-Bretagne, de l'Italie, du Luxembourg, des Pays-Bas, du Portugal, de la Suède et la Norvège, et de la Suisse, ayant accepté d'examiner en commun les questions qui concernent le travail dans les établissements industriels et dans les mines dont il a été fait mention dans les lettres d'invitation adressées par le Gouvernement de Sa Majesté l'Empereur d'Allemagne aux différents États industriels de l'Europe, les Délégués de ces Gouvernements déjà arrivés à Berlin se sont réunis en Conférence, le Samedi, 15 Mars, à 2 heures.

Étaient présents:

Allemagne—

Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.

M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.

Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau.

M. Reichardt, Directeur au Département des Affaires Étrangères.

M. Lohmann, Conseiller Intime Supérieur de Régence.

M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.

M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.

M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.

M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—

M. le Baron Béla Weigelsperg, Conseiller Impérial Royal au Ministère du Commerce.
M. le Dr. F. Migerka, Conseiller Impérial Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
M. le Baron Auguste de Plappart, Conseiller Impérial Royal au Ministère de l'Intérieur.
M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial Royal de l'Agriculture.
M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.

Belgique—

M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Baron T'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—

M. Tietgen, C. F., Conseiller d'État Intime.
M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militiare.
M. Bramsen, L., Directeur de Compagnies d'Assurance.

France—

M. Jules Simon, Sénateur.
M. Tolain, Sénateur.
M. Burdeau, Député.
M. Linder, Vice-Président du Conseil Supérieur des Mines.
M. Victor Delahaye, Ouvrier Mécanicien.

Grande-Bretagne—

The Right Honourable Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.

Italie—

M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—

M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—

Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—
M. le Marquis de Penafiel, Envoyé Extraordinaire et Ministre Plénipotentiaire.

Suède et Norvège—
M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.

Suisse—
M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

Son Excellence le Baron de Berlepsch, Ministre du Commerce et de l'Industrie, prend la parole pour procéder à l'ouverture de la Conférence.

"Messieurs,

"Au nom de Sa Majesté l'Empereur, mon auguste Souverain, j'ai l'honneur de vous souhaiter la bienvenue et de vous exprimer les remerciements de Sa Majesté pour l'empressement avec lequel les Gouvernements que vous représentez ont accédé à l'idée de la réunion d'une Conférence Internationale pour délibérer sur les moyens de régler d'une manière plus satisfaisante le travail dans les établissements industriels et dans les mines. Je vous prie, Messieurs, de vouloir bien vous faire les interprètes de ses sentiments de reconnaissance auprès de vos Gouvernements.

"Je déclare ouverte la Conférence, et je vous prie, Messieurs, de vous constituer, d'abord en désignant un Président."

M. le Dr. Migerka, Délégué d'Autriche-Hongrie, propose de confier la présidence des réunions à son Excellence le Baron de Berlepsch. Cette motion ayant rencontré l'assentiment général, celui-ci adresse ses remerciements aux membres de la Conférence.

Le Président propose alors, pour la Vice-Présidence, M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie; pour les fonctions de Secrétaires, MM. Kayser, Conseiller Intime de Légation, qui aura la direction du Secrétariat, et Fürst, Conseiller Supérieur des Mines, et en qualité de Secrétaires-Adjoints MM. Dumain, Premier Secrétaire de l'Ambassade de France à Berlin, et le Comte d'Arco Valley, Second Secrétaire de l'Ambassade d'Allemagne à Paris. Ces messieurs sont immédiatement présentés à la Conférence.

Après quelques indications complémentaires sur les dispositions adoptées pour placer les Délégués, le Président prononce le discours suivant:—

"Messieurs,

"Sa Majesté l'Empereur, mon auguste Maître, m'a chargé de vous exprimer les sentiments de la haute satisfaction qu'il éprouve en voyant réunie dans sa résidence cette illustre Conférence, préparée à entrer en délibérations sur les questions graves qui occupent en ce moment les États industriels de l'Europe.

"L'invitation de Sa Majesté à laquelle vous venez de vous rendre, n'est pas en cette matière la première parvenue aux Gouvernements de l'Europe. Déjà, en 1881, la Suisse leur avait adressé un acte semblable, auquel elle était revenue l'année passée, pour la répéter une dernière fois, il y a quelques semaines seulement. L'Empereur est heureux de pouvoir constater que, grâce à l'attitude conciliante du Gouvernement Suisse, les intentions de Sa Majesté, ainsi que celles de la Suisse, pourront former simultanément l'objet des délibérations de la Conférence.

"Dans la pensée de l'Empereur la question ouvrière s'impose à l'attention de toutes les nations civilisées, depuis que la paix des différentes classes paraît menacée par la lutte à la suite de la concurrence industrielle. La recherche d'une solution devient dès lors non seulement un devoir humanitaire, mais elle est exigée aussi par la sagesse gouvernementale qui doit veiller en même temps au salut de tous les citoyens et à la conservation des biens inestimables d'une civilisation séculaire.

"Tous les États de l'Europe se trouvent en présence de cette question dans une situation identique ou semblable, et cette analogie seule semble justifier la tentative d'amener entre les Gouvernements un accord pour obvier aux dangers communs par

l'adoption de mesures de prévention générales. Le programme qui se trouve entre vos mains, Messieurs, offre le tracé du terrain sur lequel s'étendront les délibérations techniques, auxquelles nous nous livrerons. Les décisions qui pourraient être prises ultérieurement à la suite de ces délibérations, restent réservées aux Hautes Parties que vous représentez ici.

"J'ose espérer, Messieurs, que les débats qui vont s'ouvrir ne resteront pas sans résultat: ceux qui y prendront part sont des hommes qui, distingués par leur savoir et leur expérience, sont compétents au plus haut degré pour se prononcer sur les questions touchant l'industrie et le sort des ouvriers de leurs pays. Et ainsi il me sera permis, je pense, d'exprimer la conviction que vos travaux ne manqueront pas d'exercer une influence bienfaisante en Europe."

Le Président soumet ensuite à la Conférence un projet de Règlement, dont les Articles sont lus par M. Kayser et successivement approuvées dans la teneur suivante :—

Article 1. La langue Française est adoptée pour les discussions et pour les actes de la Conférence.

Art. 2. Il sera ouvert une discussion générale sur les questions formulées dans le programme de la Conférence. Puis, pour autant que la Conférence le jugera utile, les questions seront soumises à l'examen de Commissions, sur la composition desquelles la Conférence se prononcera le cas échéant.

Les propositions faites par la Commission seront imprimées avant d'être mises en discussion. Il en sera de même, dans la règle, de toute proposition individuelle présentée au cours des débats et prise en considération par la Conférence.

Art. 3. Dans la règle, toute proposition doit être remise par écrit au Président.

Art. 4. Avant de passer au vote sur une proposition ou sur un groupe de propositions, la Conférence pourra renvoyer celle-ci à un examen ultérieur de la Commission.

Art. 5. La Conférence se réserve de nommer une Commission de Rédaction, dans le cas où le cours des débats en aura démontré la nécessité.

Art. 6. Le vote a lieu par appel nominal des États suivant l'ordre alphabétique. Chaque délégation compte pour une voix.

Art. 7. Le procès-verbal donne une image succincte des délibérations. Il relate toutes les propositions formulées dans le cours de la discussion, avec le résultat des votes ; il donne, en outre, un résumé sommaire des arguments présentés.

Tout membre a le droit de réclamer l'insertion *in extenso* de son discours ; mais, dans ce cas, il est tenu d'en remettre le texte par écrit au Secrétariat dans la soirée qui suit la séance.

Les procès-verbaux des séances sont soumis en épreuves aux Représentants des États.

Art. 8. Pendant la durée de la Conférence, le secret des débats sera strictement observé.

Art. 9. Le résultat des délibérations sera soumis à une rédaction finale. Puis il sera procédé, le cas échéant, à la signature d'un Protocole constatant le résultat des délibérations, lequel restera, d'ailleurs, subordonné à l'examen des Gouvernements respectifs.

Après avoir invité MM. les membres de la Conférence à déposer leurs pouvoirs sur le bureau du Secrétariat et fait accepter la proposition de remplacer par une communication préalable du Protocole imprimé aux Délégués la lecture traditionnelle au début de chaque réunion, le Président fixe, avec l'approbation de l'Assemblée, la prochaine séance au Lundi, 17 Mars, à 11 heures du matin.

La séance est levée à 3 heures.

(Suivent les signatures des Délégués.)

(Translation.)

Protocol No. 1.—*Sitting of March* 15, 1890.

THE Governments of Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden and Norway, and Switzerland, having agreed to examine in common the questions concerning labour in factories and mines, mention of which has been made in the invitation addressed by the Government of His Majesty the Emperor of Germany to the different industrial States of Europe, the Delegates of these Governments, who

have already arrived at Berlin, met in Conference on Saturday, 15th March, at 2 P.M.

Present:

Germany—
- His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
- Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
- Mgr. Dr. Kopp, Prince-Bishop of Breslau.
- Herr Reichardt, Director in the Foreign Office.
- Herr Lohmann, Superior Privy Councillor of Administration.
- Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
- Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
- Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
- Herr Koechlin, Manufacturer and Councillor of State.

Austria-Hungary—
- Baron Béla Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
- Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
- Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
- Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
- Dr. Julius von Schnicrer, Councillor in the Hungarian Ministry for Commerce.
- Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
- Herr Joseph Szterényi, Hungarian Factory Inspector.

Belgium—
- Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
- Baron A. T'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.
- M. Emile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.

Denmark—
- M. C. F. Tietgen, Privy Councillor of State.
- M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
- M. L. Bramsen, Director of Assurances Companies.

France—
- M. Jules Simon, Senator.
- M. Tolain, Senator.
- M. Burdeau, Deputy.
- M. Linder, Vice-President of the Superior Council of Mines.
- M. Victor Delahaye, Machinist.

Great Britain—
- The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
- Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
- Sir W. Houldsworth, Bart., M.P.
- David Dale, Esq., Civil Engineer, Mine-owner.

Italy—
- M. Gerolamo Boccardo, Senator and Councillor of State.
- M. Vittorio Ellena, Deputy and Councillor of State.
- M. Luigi Bodio, Director-General of the Italian Statistical Department.
- M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
- M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.
- M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxembourg—
Dr. Alexis Brasseur, Deputy and Mine-owner.

Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
The Marquis of Penafiel, Envoy Extraordinary and Minister Plenipotentiary.

Sweden and Norway—
M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.

Switzerland—
M. E. Blumer, Landammann of the Canton of Glaris.
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

His Excellency the Baron von Berlepsch, Minister of Commerce and Industry, rose to open the Conference as follows :—

"Gentlemen,

"In the name of my august Sovereign, His Majesty the Emperor, I have the honour to bid you welcome, and to express to you the thanks of His Majesty for the eagerness with which the Governments that you represent have acceded to the idea of the meeting of an International Conference to deliberate on the means of regulating work in factories and mines in a more satisfactory way. I have to request you, gentlemen, to convey the expression of his thanks to your respective Governments.

"I declare the Conference open, and request you, Gentlemen, to turn your first attention to the election of a President."

Dr. Migerka, Austro-Hungarian Delegate, proposes to intrust the presidency to his Excellency Baron von Berlepsch. This motion having met with general approval, the latter thanks the members of the Conference.

The President then proposes for the Vice-Presidency M. Magdeburg, Under-Secretary of State in the Ministry of Commerce and Industry; as Secretaries, MM. Kayser, Privy Councillor of Legation, First Secretary, and Fürst, Chief Councillor of Mines, and as Assistant Secretaries, MM. Dunain, First Secretary of French Embassy at Berlin, and the Count d'Arco Valley, Second Secretary of the German Embassy at Paris. These gentlemen are at once presented to the Conference.

After several complementary explanations concerning the arrangements made for placing the Delegates, the President speaks as follows :—

"Gentlemen,

"His Majesty the Emperor, my august Master, has charged me to express to you the feelings of high satisfaction with which he sees this illustrious Conference assembled in his capital, in readiness to deliberate on the grave questions which are at this moment engaging the attention of the industrial States of Europe.

"His Majesty's invitation, in answer to which you are present, is not the first which has reached the Governments of Europe on the matter. As early as 1881 Switzerland had addressed to them a similar invitation, to which she returned last year to repeat it for the last time only a few weeks ago. The Emperor is happy to be able to state that, thanks to the conciliatory attitude of the Swiss Government, it will be possible for His Majesty's intentions, as well as those of Switzerland, to form at once the subject of the deliberations of the Conference.

"In the Emperor's opinion the labour question calls for the attention of all civilized nations, since the peace of the different classes appears to be threatened by strife resulting from industrial competition. The search for a remedy becomes henceforward not only a humanitarian duty, but is even called for by the wisdom of Government, which ought at once to keep watch over the welfare of every citizen, and the preservation of the inestimable blessing of centuries of civilization.

"All European States, in face of this question, are in a similar or identical situation, and this analogy alone seems to justify the experiment of bringing about an agreement among the various Governments to obviate the common dangers by the adoption of general measures of prevention. The programme which you hold in your hands, Gentlemen, gives an outline of the extent over which the technical deliberations in which we shall take part will reach. The decisions which may eventually be taken as a result of these deliberations are reserved for the High Powers whom you represent here.

"I venture to hope, Gentlemen, that the debate which is about to open will not remain without result; those who will take part in it are men who, distinguished by their knowledge and experience, are in the highest degree competent to pronounce on questions concerning industry, and the lot of workmen in their several countries. It will, therefore, I think, be permitted me to express the conviction that your labours will not fail to exercise a beneficial influence in Europe."

The President then submits to the Conference a draft of Regulations, the Articles of which are read by M. Kayser, and approved *seriatim*, as follows:—

Article 1. The French tongue is adopted for the discussions and for the acts of the Conference.

Art. 2. A general discussion on questions formulated in the programme of the Conference shall be opened. Then, as far as the Conference shall consider it useful, the questions shall be submitted to examination by Commissions, on the composition of which the Conference shall pronounce if occasion should arise.

The proposals of the Commission shall be printed before coming into discussion. The same regulation shall apply, as a rule, to each individual proposal made during the debate and taken into consideration by the Conference.

Art. 3. As a rule, every proposal should be submitted in writing to the President.

Art. 4. Before proceeding to the vote on a proposal or group of proposals, the Conference may send them for further examination by the Commission.

Art. 5. The Conference reserves the right of naming a Drafting Commission, should the course of the debate show the necessity of such.

Art. 6. The voting will take place by appeal by name to the States in alphabetical order. Each delegation to count as one vote.

Art. 7. The *procès-verbal* will give a succinct account of the deliberations. It will record all proposals formulated in the course of the discussion, with the result of the vote; it will, besides, give a short résumé of the arguments brought forward.

Every member will have the right of demanding the full report of his speech; but in this case he must submit the text of it in writing to the Secretaries on the evening following the sitting.

The *procès-verbaux* of the sittings will be submitted in proof to the Representatives of the several States.

Art. 8. During the Conference, the debates shall be kept strictly secret.

Art. 9. The result of the deliberations shall be submitted to a final revision. A Protocol shall then, if necessary, be signed, stating the result of the deliberations, which shall be besides subordinate to the examination of the respective Governments.

After having invited the members of the Conference to lay their appointments on the table, and after the proposal for replacing the traditional reading over at the commencement of each sitting by a previous communication of the printed Protocol to the Delegates had been agreed to, the President, with the approval of the assembly, fixes the next sitting for Monday, 17th March, at 11 A.M.

The sitting rose at 3 P.M.

(Here follow the signatures of the Delegates.)

No. 8.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 20.)

My Lord, *Berlin, March* 18, 1890.

WE have the honour to report that the First Commission of the Labour Conference was engaged during the whole of this day in discussing the age for the employment of children in mines.

Germany will propose an absolute limit of 14 years, and the Belgian Delegation have given notice of an amendment in the following terms :—

"La Conférence émet le vœu que l'âge auquel les enfants seront admis dans les mines soit progressivement élevé à 14 ans lorsque l'expérience en aura démontré la possibilité."

The voting upon this subject will take place on Thursday.

We propose to support the Belgian amendment in the Commission; but this course will not affect our perfect liberty of action subsequently in Conference.

In the Second Commission the German proposal for a Law prohibiting Sunday labour was vehemently opposed by the French, Belgians, and Italians, on the grounds, firstly, of their aversion to legislate for adult male labour, and secondly, on account of anti-religious objections to the observance of Sunday.

Since it is evident that this Commission will make no proposals in advance of English law, we do not propose to take any active part in their future deliberations.

The Third Commission discussed the age for the admission of children to work in factories, and passed a Resolution for an absolute limit of 12 years, by the following 8 votes in its favour, viz.: Germany, Austria, Belgium, Denmark, France, Netherlands, Sweden, and Switzerland.

There were no votes against the Resolution, but England, Spain, and Italy abstained from voting.

We are all (including our experts) in favour of the above proposition and should be glad to receive instructions as to whether we may support it in plenary Conference.

As it is expressly understood that votes given in the Commissions are merely provisional until their Reports are drawn up, and are even then not binding upon the Delegations in Conference, we beg to be informed by your Lordship whether on future occasions our Representatives in the Commissions are at liberty to vote according to their own judgment.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

No. 9.

The Marquis of Salisbury to Sir J. Gorst.

(Telegraphic.) *Foreign Office, March* 20, 1890, 5 P.M.

YOUR despatch of 18th.

I approve course proposed in First and Third Commissions. Our intentions apprehended rightly. To-day's post takes instructions.

No. 10.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—
(Received March 21.)

My Lord, *Berlin, March* 19, 1890.

WE have the honour to report that the First Commission unanimously passed a Resolution to-day in the terms suggested by Belgium, as reported in our despatch of yesterday's date, advocating the progressive raising of the minimum age for underground labour to 14 years.

An addition was also adopted making the limit for southern countries (interpreted to mean Italy and Spain) 12 instead of 14 years.

The British Delegates declined to express an opinion upon the exceptional treatment claimed by these Southern nations. The Commission further resolved unanimously that women should be excluded from underground labour in mines.

The Second Commission spent the day in discussing the question of Sunday rest, without arriving at any decision. The British Delegates took no part in the discussion.

In the Third Commission the definition of the maximum age of a child was fixed at 14 years.

A desultory conversation ensued on questions of educational tests and exemptions. Definite proposals upon this subject will be submitted at the next meeting.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

No. 11.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—
(Received March 22.)

My Lord, *Berlin, March 20, 1890.*

WE have the honour to report that the First Commission of the Labour Conference to-day passed the following Resolutions relating to work in mines :—

"*Résolution* I A.

"(1.) Il est désirable que la limite inférieure de l'âge auquel les enfants peuvent être admis aux travaux souterrains dans les mines soit progressivement élevé à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus.

"(2.) Toutefois, pour les pays méridionaux, cette limite serait celle de 12 ans.

"I B. Le travail sous terre doit être défendu aux personnes du sexe féminin."

"*Note par la Belgique.*

"En émettant le vœu de la disparition des femmes des travaux souterrains des mines, les Délégués de la Belgique estiment que ce désir sera réalisé par la Loi Belge du 13 Décembre, 1889."

The British Delegates supported I A (1) and I B, but declined to express any opinion on I A (2) for the reasons given in our despatch of yesterday's date.

The Commission was also occupied with an interesting technical discussion on § II (2) of the progamme, which the President again explained to have reference to peculiarly insalubrious mines or parts of mines, and not to the length of a working-day in mines generally.

No conclusion has as yet been come to on this matter, but we have intimated that Great Britain would not be likely to approve any proposition for limiting by law the hours of work, in mines or parts of mines, of adult males. Belgium and France have intimated their concurrence in this view.

The Second Commission has come to the following Resolutions :—

"*Réglement du Travail du Dimanche.*

"(1.) Il est désirable sauf des exceptions et des delais nécessaires de chaque pays, qu'un jour de repos par semaine soit assuré aux personnes protégées.

"(2.) Il est désirable que le jour de repos soit assuré à tous les ouvriers de l'industrie.

"(3.) Il est désirable que le jour de repos soit fixé pour les personnes protégées au Dimanche.

"(4.) Il est désirable que le jour de repos soit fixé pour tous les ouvriers de l'industrie au Dimanche."

Des exceptions sont admissibles :—

(*a.*) A l'égard des exploitations qui, pour des raisons techniques ou parce qu'elles fournissent au public des objets de première nécessité, exigent la continuité de la production.

(*b.*) A l'égard des exploitations qui, par leur nature, ne peuvent avoir lieu que dans des saisons déterminées ou qui dépendent de l'action irrégulière de forces élémentaires.

(*c.*) Il est désirable que même dans les établissements de cette catégorie, chaque ouvrier ait un Dimanche libre sur deux.

We supported the Resolutions on the ground that Great Britain had a Law absolutely prohibiting Sunday labour, except in cases of necessity or charity; that, although this Law was antique, the Sunday rest was generally approved by the people, and that the abrogation of the Law was not desired.

We reserved our opinion upon the exceptions, as we had not been present at the discussion; but we see no objection to them, and we propose at the next meeting to withdraw our reservation. The Resolutions and exceptions will then be accepted with unanimity, except that France has declined to vote on No. 4.

In the Third Commission (on child labour) a discussion was held on § III (2) of the programme, and a provisional vote was taken on the German proposal to add the obligation of a previous school qualification before admitting children of 12 years of

age to work in factories. We were unable to support the introduction of an educational bar to children working at 12 years of age; but explained that practically our Education Act provided that a child of that age should have received some education, and we expressed our preference for offering a premium to educational proficiency by allowing children to anticipate by it the period at which they are allowed to work full time, as is done by our factory legislation.

The Belgian and certain other Delegates were not in a position to support the German proposal, which was, however, provisionally voted by a majority.

The Swiss Delegates proposed that it was not desirable that any exceptions should be made in applying the limit agreed upon at which a child might begin work (12 years).

We gave a general support, but reserved our actual vote. The proposal was supported by a majority.

On § III (3) the Germans submitted three proposals:—

1. That it was desirable that children under 14 years should be excluded from night and Sunday labour.

2. That their working day should not exceed an average of six hours, with half-an-hour's interval.

3. That they should be excluded from dangerous and unhealthy occupations, or only admitted under protective Regulations.

We gave a general support to all these proposals, with a reserve in favour of our own system of allowing children between 13 and 14 to become "young persons" on obtaining the educational certificate prescribed by our Factory Acts.

The proposal in its original form was, however, provisionally adopted by a majority; but we propose to raise the question of the exception indicated by us at another stage.

To-morrow the Commission will discuss § IV of the programme.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

No. 12.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—
(*Received March* 24.)

My Lord, *Berlin, March* 21, 1890.

WE have the honour to inclose herewith to your Lordship copy of the second Protocol of the Labour Conference.

The First and Second Commissions did not sit to-day.

With reference to the exceptions to the general prohibition of Sunday labour, agreed to yesterday by the Second Commission, on which we reserved our opinion, we are disposed on further consideration to adhere to that reservation.

The Third Commission resolved to-day that exceptions to the general principles which it laid down could not be defined by the Conference, but must be left for the different countries to settle for themselves.

This principle appears to us to be sound and applicable to all exceptions to the general conclusions of the Conference.

By declining to enter upon a discussion of exceptions to the general law of Sunday rest, we are relieved from the necessity of mentioning and defending our Law in reference to Jews, to be found in section 51 of "The Factories and Workshops Act, 1878," which would be a task of some delicacy.

Complaint was made to-day to the President of the Conference, Baron von Berlepsch, of the absence of any official record of the actual Resolutions passed. This omission was admitted, and an immediate remedy was promised.

In the Third Commission, a conclusion was arrived at to the effect that persons from 14 to 16 years of age should be generally protected by law against unlimited working hours, night-work, Sunday labour, and unhealthy occupations; that such restrictions must be subject to certain exceptions; that these exceptions to the general rule could, however, not be settled by the Conference, but must be dealt with by each country according to its peculiar circumstances.

It was also agreed that persons from 16 to 18 years of age were entitled to pro-

tection; but the nature and extent of such protection have not yet been defined by the Commission.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure in No. 12.

Protocole No. 2.—Séance du 17 *Mars,* 1890.

Étaient présents :

Allemagne—
- Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.
- M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
- Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau.
- M. Reichardt, Directeur au Département des Affaires Étrangères.
- M. Lohmann, Conseiller Intime Supérieur de Régence.
- M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
- M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
- M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.
- M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—
- M. le Baron Béla Weigelsperg, Conseiller Impérial et Royal au Ministère du Commerce.
- M. le Dr. F. Migerka, Conseiller Impérial et Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
- M. le Baron Auguste de Plappart, Conseiller Impérial et Royal au Ministère de l'Intérieur.
- M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial et Royal d'Agriculture.
- M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
- M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
- M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.

Belgique—
- M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
- M. le Baron t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
- M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—
- M. Tietgen, C. F., Conseiller d'État Intime.
- M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
- M. Bramsen, L., Directeur de Compagnies d'Assurance.

France—
- M. Jules Simon, Sénateur.
- M. Tolain, Sénateur.
- M. Burdeau, Député.
- M. Linder, Vice-Président du Conseil Supérieur des Mines.
- M. Victor Delahaye, Ouvrier Mécanicien.
- M. Jacquot, Consul-Général de France à Leipzig.
- M. Laporte, Inspecteur Divisionnaire du Travail des Enfants dans les Manufactures.
- M. Pellé, Ingénieur des Mines.

Grande-Bretagne—
The Right Honourable Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.
Mr. T. Burt, Membre du Parlement, Secrétaire de l'Association des Mineurs.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. J. Burnett, Chef de Division au Département du Travail.

Italie—
M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—
M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—
Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—
Le Marquis de Penafiel, Envoyé Extraordinaire et Ministre Plénipotentiaire.

Suède et Norvège—
M. W. de Tham, Membre de la Première Chambre de le Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.

Suisse—
M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

Son Excellence le Baron de Berlepsch (Président) aussitôt après avoir ouvert la séance, demande à la Conférence d'admettre dans la salle des délibérations, à titre d'auditeurs, les Délégués Techniques et les Secrétaires des diverses Délégations, qui, sur l'accueil favorable fait à cette proposition, sont immédiatement introduits. Il annonce la distribution d'un travail que M. Lohmann a eu l'obligeance de faire à l'usage des membres de la Conférence et qui a trait à la législation comparée des principaux Etats Européens, en ce qui concerne le réglement du travail du Dimanche, ainsi que du travail des enfants et des femmes.*

Il est décidé qu'au cas où s'ouvrirait une discussion générale, relativement aux questions mentionnées dans le programme annexé aux convocations, un seul membre de chaque Délégation pourrait y prendre part.

Aucun Délégué n'ayant réclamé la parole, *M. Magdeburg* expose ses vues sur la procédure qu'il jugerait utile de suivre pour accélérer les délibérations et en assurer le résultat. Il se borne, d'ailleurs, à indiquer à la Conférence une voie dans laquelle, selon lui, celle-ci aurait profit à s'engager, et qui consisterait à former des Commissions Spéciales; ces Commissions étudieraient, dans des discussions techniques, les questions à soumettre aux réunions plénières. Le nombre devrait en être assez limité, pour que chaque État pût être représenté dans chacune d'elles: le Délégué Allemand croit en conséquence, qu'il suffirait de constituer trois Commissions, dont une spéciale

* See Appendix, p. 184.

au travail dans les mines, une autre s'occupant du repos du Dimanche, et une dernière pour examiner les conditions du travail des enfants, des jeunes gens, et des femmes.

Les diverses Délégations successivement consultées approuvent les idées qu'a suggérées M. Magdeburg, et adhèrent au projet de former trois Commissions qui se répartiraient l'étude des questions, comme il est indiqué ci-dessus.

Le Président fait ensuite accorder aux Délégués-Adjoints le droit d'être nommés membres des Commissions.

Sir John Gorst et *M. Boccardo* demandent s'il sera attribué aux Adjoints admis dans les Commissions des pouvoirs égaux à ceux des Délégués eux-mêmes. La Conférence décide que les Adjoints n'auront que voix consultative dans les Commissions.

D'après *M. Reichardt*, les Délégués devraient avoir la faculté de s'aider, dans les Commissions, de l'avis d'autant d'Adjoints qu'ils l'estimeront nécessaire.

M. Jules Simon, en précisant les motions déjà présentées, tiendrait à savoir si les Délégués pourraient prendre la parole, même dans des Commissions dont ils ne seraient pas membres: après avoir rappelé que les Commissions n'ont d'autre rôle que de soumettre des propositions à la Conférence siégeant en assemblée plénière, il ajoute qu'il serait désirable que la Délégation entière d'un État ne fût pas liée par le vote particulier des membres qu'elle aurait fournis à une Commission.

M. Magdeburg résume les réponses que comportent ces diverses questions: chaque Délégation—propose-t-il—pourra désigner pour une même Commission un ou deux Délégues et un ou deux Adjoints, sans qu'elle dispose pourtant de plus d'une voix dans les votes, quel que soit le nombre de ses représentants. Au sujet de l'admission, dans une Commission, de membres qui n'en feraient pas partie, il estime que la présence de ceux-ci pourrait être autorisée, sous la réserve qu'ils ne prissent pas la parole. Les Délégués ainsi admis auraient, en effet, toujours le moyen de faire exprimer leur opinion personnelle par ceux de leurs co-Délégués qui siégeraient à titre de Commissaires élus.

La Conférence donne sa complète adhésion aux vues que M. Magdeburg vient de lui soumettre.

Mr. Scott, prévoyant la désignation d'un même Délégué comme membre de plusieurs Commissions, demande qu'on évite de convoquer celles-ci aux mêmes heures.

Le Président déclare qu'il s'efforcera, autant que possible, de déférer à ce vœu.

Sur une question posée par *M. van der Hoeven* et à la demande de *M. Brasseur*, il est décidé que non seulement les États possédant des mines de charbon, mais ceux aussi dans lesquels on procède à l'extraction de minéraux de quelque nature que ce soit, auront droit de participer à la formation de la Commission du travail dans les mines.

La séance est suspendue, pour permettre à la Conférence de nommer les membres des Commissions.

Après une interruption d'une demi-heure, *M. Kayser* fait savoir que les Commissions sont composées ainsi qu'il suit:—

Première Commission.—Travail dans les Mines.

Allemagne—
M. le Dr. Hauchecorne.

Autriche—
M. Haberer.

Hongrie—
M. Béla de Graenzenstein.

Belgique—
M. le Baron Greindl.
M. Harzé.

France—
Délégué M. Burdeau.
„ M. Linder.
Adjoint M. Jacquot.
„ M. Pellé.

Grande-Bretagne—
Délégué Mr. David Dale.
„ Sir John Gorst.
Adjoint Mr. Burt.
„ Mr. Burnett.

Italie—
Délégué M. Bodio.
Adjoint M. Majorana Calatabiano.

Luxembourg—
M. Brasseur.

Pays-Bas—
M. le Dr. Snyder van Wissenkerke.
M. Struve.

Norvège—
M. Christie.

Deuxième Commission.—Repos du Dimanche.

Allemagne—
Sa Grandeur Mgr. le Dr. Kopp.
M. le Baron de Heyl.

Autriche—
M. le Baron de Weigelsperg.

Hongrie—
M. Szterényi.

Belgique—
M. le Baron Greindl.
M. Jacobs.

Danemark—
M. Tietgen.

Luxembourg—
M. Brasseur.

Pays-Bas—
Le Jonkheer van der Hoeven.
M. Struve.

France—
Délégué M. Jules Simon.
„ M. Tolain.
Adjoint M. Lebon.

Grande-Bretagne—
Délégué Sir John Gorst.
„ Sir W. Houldsworth.
Adjoint Mr. Burnett.
„ Mr. Whymper.

Italie—
Délégué M. Ellena.
Adjoint M. Mancini.

Portugal—
Réservé.

Suède—
M. W. de Tham.

Suisse—
M. Blumer.
M. Kaufmann.

Troisième Commission.—Travail des Enfants, des Jeunes Gens, et des Femmes.

Allemagne—
M. Landmann.
M. Koechlin.

Autriche—
M. le Dr. Migerka.
M. le Baron de Plappart.

Hongrie—
M. le Dr. de Schnierer.

Belgique—
M. le Baron t'Kint de Roodenbeke.

Danemark—
M. Topsöe.
M. Bramsen.

Espagne—
Réservé.

France—
Délégué M. Jules Simon.
„ M. Delahaye.
Adjoint M. Jacquot.
„ M. Laporte.

Grande-Bretagne—
Délégué Sir W. Houldsworth.
„ Mr. Scott.
Adjoint Mr. Birtwistle.
„ Mr. Whymper.

Italie—
Délégué M. Boccardo.
Adjoint M. Stringher.

Luxembourg—
M. le Dr. Brasseur.

Pays-Bas—
Le Jonkheer van der Hoeven.
M. le Dr. Snyder van Wissenkerke.

Portugal—
Réservé.

Suède—
M. W. de Tham.

Norvège—
M. Christie.

Suisse—
M. Blumer.
M. Kaufmann.

M. Reichardt émet l'avis que chaque Commission élise son Président, fasse choix d'un Rapporteur, et que le Rapport écrit ou verbal, qui aura été élaboré, tienne lieu de Protocole. Il réclame pour les membres du Secrétariat l'admission dans toutes les Commissions, et, avec l'assentiment général, il invite les Commissions à constituer sans tarder leurs réunions particulières.

La première réunion de chaque Commission est fixée au jour même, et à des heures différentes.

M. Jules Simon ayant prié le Bureau Central de vouloir bien se tenir en rapports permanents avec toutes les Commissions, *le Président* répond que c'est pour être mieux

en mesure de satisfaire à ce désir que M. Magdeburg et lui ne se sont fait inscrire sur aucune liste de Commissaires.

La séance est levée à 1 heure.

(Suivent les signatures des Délégués.)

(Translation.)

Protocol No. 2.—Meeting of 17th March, 1890.

Present:

Germany—

His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
Mgr. Dr. Kopp, Prince Bishop of Breslau.
Herr Reichardt, Director in the Foreign Office.
Herr Lohmann, Superior Privy Councillor of Administration.
Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
Herr Koechlin, Manufacturer and Councillor of State.

Austria-Hungary—

Baron Béla Weigelsperg, Imperial and Royal Counsellor in the Ministry of Commerce.
Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
Herr Joseph Szterényi, Hungarian Factory Inspector.

Belgium—

Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
M. Émile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.
Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.

Denmark—

M. C. F. Tietgen, Privy Councillor of State.
M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
M. L. Bramsen, Director of Assurances Companies.

France—

M. Jules Simon, Senator.
M. Tolain, Senator.
M. Burdeau, Deputy.
M. Linder, Vice-President of the Superior Council of Mines.
M. Victor Delahaye, Machinist.
M. Jacquot, French Consul-General at Leipzig.
M. Laporte, Divisional Inspector of Child Labour in Factories.
M. Pellé, Mining Engineer.

Great Britain—

The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Mine Owner.
Mr. T. Burt, M.P., Secretary of the Miners' Association.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—
M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—
Dr. Alexis Brasseur, Deputy and Mine Owner.

Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
The Marquis de Penafiel, Envoy Extraordinary and Minister Plenipotentiary.

Sweden and Norway—
M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.

Switzerland—
M. E. Blumer, Landammann of the Canton of Glaris.
Dr. F. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

His Excellency Baron von Berlepsch (the President), immediately after opening the meeting, calls upon the Conference to admit to the Conference-room, as listeners, the Technical Delegates and the Secretaries of the different Delegations, who, on the proposal being favourably entertained, are at once introduced. He announces the distribution of a work which M. Lohmann has been good enough to draw up for the use of the members of the Conference, which compares the Laws of the principal European States affecting Sunday labour as well as female and child labour.*

It is decided that in the event of a general discussion arising relating to questions mentioned in the programme annexed to the invitations one member only of each Delegation shall take part in it.

No Delegate desiring to speak, *M. Magdeburg* expresses his views on the procedure he considers it useful to follow, to accelerate the discussion and insure useful results from it. He confines himself to pointing out to the Conference a way in which, according to his views, it will be best to set about, namely, by appointing Special Commissions: these Commissions should study, in technical discussion, the questions to be submitted to the plenary meetings. Their numbers should be limited, so as to enable each State to be represented on each of them: the German Delegate consequently considers that it will suffice to appoint three Commissions, one specially to consider the question of work in mines, another that of Sunday rest, and the last to examine the condition of the work of children, young persons and females.

The different Delegations consulted in rotation concur in the views suggested by M. Magdeburg, and assent to the proposed formation of three Commissions to study the above-mentioned questions.

On the motion of *the President*, the Expert Delegates are granted the right to be nominated members of the Commissions.

Sir John Gorst and *M. Boccardo* inquire if the Expert Delegates acting on the Commission shall have the same powers as the Delegates themselves. The Conference decides that the experts shall only have a consultative voice in the Commissions.

M. Reichardt proposes that the Delegates on the Commissions should have the power to avail themselves of the advice of as many of the Expert Delegates as they consider necessary.

M. Jules Simon, reviewing the proposals already brought forward, wishes to know if Delegates may take part in discussions of Commissions of which they were not members. After pointing out that the only duty of the Commissions was to submit proposals to the plenary Conference, he adds that it would be desirable that the entire Delegation of a State should not be bound by the individual votes of members that it had supplied on a Commission.

* See Appendix, p. 184.

M. Magdeburg shortly answers these different questions. Each Delegation, he proposes, should designate for the same Commission one or two Delegates and one or two experts, one vote only being assigned whatever be the number of Representatives. As regards admitting on a Commission outside members, he considers that their presence may be authorized on the condition that they be not empowered to speak. Delegates thus admitted would always, as a matter of fact, be able to express their personal opinions through their co-Delegates, who would sit as duly elected Commissioners.

The Conference signifies its entire concurrence in the views just submitted to them by M. Magdeburg.

Mr. Scott, anticipating the appointment of the same Delegate on several Commissions, asks that steps be taken to avoid convening them at the same time.

The President declares he will do all he can to meet this contingency.

On a question put by *M. van der Hoeven*, and at the request of *M. Brasseur*, it is arranged that not only States possessing coal mines, but those in which minerals of any kind are extracted, shall have the right of participating in the formation of the Commission on work in mines.

The sitting is adjourned, to enable the Conference to appoint members of Commissions.

After an interval of half-an-hour, *M. Kayser* announces that the Commissions are composed as follows :—

First Commission.—Labour in Mines.

For Germany—
Dr. Hauchecorne.

For Austria—
M. Haberer.

For Hungary—
M. Béla de Graenzenstein.

For Belgium—
Baron Greindl.
M. Harzé.

For France—
Delegate M. Burdeau.
„ M. Linder.
Expert M. Jacquot.
„ M. Pellé.

For Great Britain—
Delegate Mr. David Dale.
„ Sir John Gorst.
Expert Mr. Burt.
„ Mr. Burnett.

For Italy—
Delegate M. Bodio.
Expert M. Majorana Calatabiano.

For Luxembourg—
M. Brasseur.

For Netherlands—
Dr. Snyder van Wissenkerke.
M. Struve.

For Norway—
M. Christie.

Second Commission.—Sunday Rest.

For Germany—
His Eminence Dr. Kopp.
Baron de Heyl.

For Austria—
Baron de Weigelsperg.

For Hungary—
M. Szterényi.

For Belgium—
Baron Greindl.
M. Jacobs.

For Denmark—
M. Tietgen.

For France—
Delegate M. Jules Simon.
„ M. Tolain.
Expert M. Lebon.

For Great Britain—
Delegate Sir John Gorst.
„ Sir W. Houldsworth.
Expert Mr. Burnett.
„ Mr. Whymper.

For Italy—
Delegate M. Ellena.
Expert M. Mancini.

For Luxembourg—
M. Brasseur.

For the Netherlands—
M. van der Hoeven.
M. Struve.

For Portugal—
Reserved.

For Sweden—
M. W. de Tham.

For Switzerland—
M. Blumer.
M. Kaufmann.

Third Commission.—Labour of Children, Young Persons, and Females.

For Germany—
M. Landmann.
M. Koechlin.

For Austria—
Dr. Migerka.
Baron Plappart.

For Hungary—
M. de Schnierer.

For Belgium—
Baron t'Kint de Roodenbeke.

For Denmark—
M. Topsöe.
M. Bramsen.

For France—
Delegate M. Jules Simon.
„ M. Delahaye.
Expert M. Jacquot.
„ M. Laporte.

For Great Britain—
Delegate Sir W. Houldsworth.
„ Mr. Scott.
Expert Mr. Birtwistle.
„ Mr. Whymper.

For Italy—
Delegate M. Boccardo.
Expert M. Stringher.

For Luxembourg—
Dr. Brasseur.

For the Netherlands—
M. van der Hoeven.
Dr. Snyder van Wissenkerke.

For Portugal—
Reserved.

For Spain—
Reserved.

For Sweden—
M. W. de Tham.

For Norway—
M. Christie.

For Switzerland—
M. Blumer.
M. Kaufmann.

M. Reichard suggests that each Commission should elect its own President and choose a Secretary, and that the Report, whether written or verbal, should take the place of a Protocol. He claims for the members of the Secretariat access to all the Commissions, and, with general consent, he invites the Commissions to settle their respective meetings at once.

The first meeting of each Commission is fixed for the same day, but at different hours.

M. Jules Simon having requested the Central Bureau to keep in continual touch with all the Commissions, *the President* replies that it is in order the better to carry this wish into effect that neither M. de Magdeburg nor he have allowed themselves to be named members of any of the Commissions.

The sitting terminates at 1 o'clock.

(Signatures of the Delegates follow.)

No. 13.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—
(*Received March* 24.)

My Lord, *Berlin, March* 22, 1890.

WE have the honour to report that a sitting of the Plenary Conference was held to-day, at which a Fourth Commission was appointed, composed of the same members as the Second Commission, to examine and report upon the VIth paragraph of the programme. This Commission will sit on Monday next.

The First Commission passed the following Resolution :—

"Il est désirable que dans les cas où l'Article des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mines, la durée du travail doit être restreinte.

"Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers ou autrement, selon les principes et la pratique de chaque nation."

To this Resolution we made no objection, and we do not propose to offer any opposition to it in Conference.

The Second Commission closed its labours by passing the following Resolution relative to the exceptions to the general prohibition of Sunday labour:—

"Dans le but de déterminer les exceptions à des points de vue similaires, il est désirable que leur réglementation soit établie par suite d'une entente entre les différents Gouvernements."

Against this Resolution the British Delegates voted; and they propose, in reference to this and all other exceptions, to make a declaration at the Conference to the following effect:—

"That while Great Britain has adopted and has for some time observed in her legislation the general principles of the regulation of labour which have been assented to by the Conference, she must reserve to herself the right to make such exceptions in the application of those principles as special local circumstances, the sentiments of particular classes of her population, and the necessities of special branches of industry may from time to time require; and it is impossible for the British Government—while resolved to maintain the general principles agreed upon—to submit their right to make necessary exceptions to a Convention of European Powers."

The Third Commission discussed for a considerable time the question of defining "industrial establishments," and after discussing several proposals, ultimately adopted the following, made by the British Delegates:—

"On entend par établissements industriels ceux que les lois réglementant le travail dans les divers pays considèrent comme tels (soit par voie de définition, soit par voie d'énumération)".

The Commission afterwards proceeded to discuss the restrictions on the employment of women, but we shall reserve our report on what actually passed until the official record of the proceedings reaches us.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

P.S.—It is officially announced, as we had the honour to telegraph this morning, that the last sitting of the Conference will be held on the 29th instant.

C. S. S.

No. 14.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 24.)

My Lord, *Berlin, March* 22, 1890.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 13th instant, and to state that we shall most carefully follow the instructions therein contained, in all our proceedings in connection with the Labour Conference now sitting in this city.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

No. 15.

Sir J. Gorst to the Marquis of Salisbury.—(*Received March* 25.)

(Telegraphic.) *Berlin, March* 25, 1890.

REPORTS of Commission settled to-day.

They will not be delivered till to-morrow, and are not yet printed.

Germany proposes to consider at 2 P.M. to-morrow propositions of Commissions and to vote on them.

Have asked President, privately, to extend time for consideration of Reports, in order that I may communicate to my Government if necessary.

No. 16.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—
(Received March 26.)

My Lord, *Berlin, March 24, 1890.*

WE have the honour to report that we have now the official copy of the first Protocol of the Labour Conference, signed by all the Reprentatives and identical with the copy already sent to your Lordship; this will be forwarded later by messenger through Her Majesty's Embassy.

We inclose copy of Protocol No. 3 of the 22nd March.

The First Commission, in reply to the third question submitted to it as to whether, in order to secure continuity in the production of coal, labour in coal mines should be placed under international regulation, has passed unanimously the following Resolution:—

"La discussion de la Commission sur la question 3 a donné occasion aux Délégués des pays producteurs de charbon d'exposer la situation du travail dans les houillières, et les moyens propres à en prévenir l'interruption.

"De cette discussion sont ressorties les indications suivantes:—

"1. Que la sécurité de l'ouvrier et la salubrité des travaux doivent être assurées par tous les moyens dont dispose la science et placées sous la surveillance de l'État.

"2. Que les ingénieurs chargés de diriger l'exploitation doivent être exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées.

"3. Que les relations entre les ouvriers-mineurs et les ingénieurs de l'exploitation doivent être les plus directes possible, pour avoir un caractère de confiance et de respect mutuels.

"4. Que les institutions de prévoyance destinées à garantir l'ouvrier-mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, sont propres à attacher le mineur à sa profession, et doivent être de plus en plus développées.

"5. Qu'il serait désirable, dans le but d'assurer la continuité de la production du charbon, de prévenir les grèves, et que l'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs réunis en associations s'engagent volontairement et réciproquement dans tous les cas où les différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

This Resolution was supported, and paragraph 5 of it was framed by the English Delegates; and we propose, subject to your Lordship's instructions, to support it in Conference.

We inclose copies of the Resolutions passed by the Third Commission.

These Resolutions were generally supported by the English Delegates, subject to the following qualifications and exceptions:—

As regards children:—

In No. 2. Great Britain refrained from voting in favour of the exception for the Southern countries.

In No. 4. Great Britain voted against an educational test as a condition precedent to employment.

In No. 6. The assent was given, with the reservation that the system of six hours per day was accepted by us as an average; and an intimation was made that our average in textile factories was less than five hours. We also reserved our right to give a child above 13, on passing a certain educational test, the status of a "young person."

As regards young persons:—

No. 2. Our assent was given, with the reservation that the system of ten hours per day was accepted by us as an average.

As to women:—

In No. 2. We pressed for an average of ten hours, instead of a limit of eleven; but were not supported by a majority of the States represented.

The Fourth Commission passed the Resolutions of which copy is herewith inclosed.

They were proposed by Germany in substitution for some very drastic propositions put forward by Switzerland, to which we, and many other States, objected.

The proposers consented to considerable modifications, with a view of meeting

objections made and of leaving the respective Governments complete liberty to adopt and carry out the views of the Conference to the extent and in the manner they think fit.

Subject to your Lordship's instructions, we do not propose to make any objections to these Resolutions in Conference.

We propose in the Conference, which resumes its sitting on the 26th instant, to support (subject to instructions which we may receive from your Lordship) all the Resolutions of the various Commissions, so far as they are in accordance with existing English law. Where the proposals of the Commissions do not come up to the existing English law, we propose to call the notice of the Conference thereto, and to recommend our system for their adoption.

We understand that we have your Lordship's authority to assent to the following proposals, which are in advance of our present law :—

(*a.*) Raising the minimum age of child labour to 12 years.

(*b.*) Raising the minimum age of underground labour in mines to 14 years.

(*c.*) Providing four weeks' cessation from labour for a woman who has been confined.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure 1 in No. 16.

Protocole No. 3.—*Séance du* 22 *Mars,* 1890.

Étaient présents :

Allemagne—

M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau.
M. Reichardt, Directeur au Département des Affaires Étrangères.
M. Lohmann, Conseiller Intime Supérieur de Régence.
M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.
M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—

M. le Baron Béla Weigelsperg, Conseiller Impériale et Royal au Ministère du Commerce.
M. le Dr. F. Migerka, Conseiller Impérial et Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
M. le Baron Auguste de Plappart, Conseiller Impérial et Royal au Ministère de l'Intérieur.
M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial et Royal de l'Agriculture.
M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.
M. le Dr. Schulz, Secrétaire de la Délégation d'Autriche-Hongrie.

Belgique—

M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. Victor Jacobs, Ministre d'État, Membre de la Chambre des Représentants.
M. le Baron t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—
M. Tietgen, C. F., Conseiller d'État Intime.
M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
M. Bramsen, L., Directeur de Compagnies d'Assurance.

Espagne—
M. Manuel Fernandez de Castro, Sénateur, Inspecteur-Général des Mines.
M. Santamaria de Paredes, Député et Directeur-Général de l'Instruction Publique.

France—
M. Jules Simon, Sénateur.
M. Tolain, Sénateur.
M. Burdeau, Député.
M. Linder, Vice-Président du Conseil Supérieur des Mines.
M. Victor Delahaye, Ouvrier Mécanicien.
M. Jacquot, Consul-Général de France à Leipzig.
M. Laporte, Inspecteur Divisionnaire du Travail des Enfants dans les Manufactures.
M. Pellé, Ingénieur des Mines.
M. A. Lebon, Secrétaire de la Délégation Française.

Grande-Bretagne—
The Right Honourable Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. F. H. Whymper, Inspecteur des Fabriques.
Mr. J. Burnett, Chief de Division au Département du Travail.

Italie—
M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—
M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—
Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—
M. Ernesto Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce.
M. J. P. Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

Suède et Norvège—
M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.
M. le Comte de Wrangel, Secrétaire de la Délégation de Suède et Norvège.

Suisse—

M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

LA séance est ouverte à 10 heures du matin.

M. Magdeburg prend la présidence en l'absence de son Excellence M. le Baron de Berlepsch, que des affaires de service empêchent d'assister à la réunion. Il annonce que depuis la dernière séance plénière de nouveaux Délégués sont arrivés à Berlin et ont déjà pu prendre part aux travaux des Commissions: ce sont pour la Belgique, M. Jacobs, Ministre d'État, Membre de la Chambre des Représentants; pour l'Espagne, MM. de Castro, Sénateur, Inspecteur-Général des Mines, et Santamaria de Paredes, Député, Directeur-Général de l'Instruction Publique, Professeur de Droit Public à l'Université de Madrid; et pour le Portugal, MM. Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce; et Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

M. Kayser fait savoir que des brochures et des lettres sont quotidiennement adressées à la Conférence en nombre trop considérable pour qu'il soit possible de donner lecture à l'assemblée de toutes ces communications; il croit donc devoir se borner à les déposer sur le bureau du Secrétariat, où MM. les Délégués les trouveront à leur disposition.

M. le Président déclare que le but de la présente réunion est de rechercher les conditions dans lesquelles devrait être entrepris l'examen des questions indiquées sous le No. VI du programme. Aucune Commission n'a été chargée, jusqu'à présent, d'étudier ce qui se rapporte à la *mise à exécution des dispositions adoptées par la Conférence;* cette réserve, qui s'imposait alors qu'on ignorait encore si les délibérations permettraient de trouver des bases d'entente, pourrait cesser maintenant qu'il y a lieu d'espérer un favorable résultat. C'est pourquoi M. Magdeburg émet l'avis d'attribuer à la Deuxième Commission, qui est sur le point de terminer ses travaux concernant le repos du Dimanche, la tâche supplémentaire de préparer un Rapport sur les questions dont il s'agit.

La Conférence consultée ayant adoptée cette proposition, M. le Président lève la séance à 10 heures et demie.

(Translation.)

Protocol No. 3.—*Sitting of March* 22, 1890.

Present:

Germany—

Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
Mgr. Dr. Kopp, Prince Bishop of Breslau.
Herr Reichardt, Director in the Foreign Office.
Herr Lohmann, Superior Privy Councillor of Administration.
Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
Herr Koechlin, Manufacturer, and Councillor of State.

Austria-Hungary—

Baron Béla Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
Herr Joseph Szterényi, Hungarian Factory Inspector.
Herr Schulz, Secretary to the Austro-Hungarian Delegates.

Belgium—

Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
M. Victor Jacobs, Minister of State, Member of the Chamber of Representatives.
Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.
M. Émile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.

Denmark—

M. C. F. Tietgen, Privy Councillor of State.
M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
M. L. Bramsen, Director of Assurance Companies.

Spain—

M. Manuel Fernandez de Castro, Senator, Inspector-General of Mines.
M. Vicente Santamaria de Paredes, Deputy and Director-General of Public Instruction.

France—

M. Jules Simon, Senator.
M. Tolain, Senator.
M. Burdeau, Deputy.
M. Linder, Vice-President of the Superior Council of Mines.
M. Victor Delahaye, Machinist.
M. Jacquot, French Consul-General at Leipsig.
M. Laporte, Divisional Inspector of Child Labour in Factories.
M. Pellé, Mining Engineer.
M. A. Lebon, Secretary to the French Delegates.

Great Britain—

The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Civil Engineer, Mine-owner.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. F. H. Whymper, Inspector of Factories.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—

M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—

Dr. Alexis Brasseur, Deputy and Mine-owner.

Netherlands—

Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—

M. Ernesto Madeira Pinto, Councillor and Director-General in the Department of Commerce.
M. J. P. Oliveira Martins, Administrator of the Government Tobacco Monopoly, formerly Deputy.

Sweden and Norway—

M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.
Count Wrangel, Secretary of the Swedish and Norwegian Delegates.

Switzerland—

M. E. Blumer, Landammann of the Canton of Glaris.
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

THE sitting opens at 10 A.M.

M. Magdeburg presides in the absence of his Excellency Baron von Berlepsch, who is prevented by official matters from attending the meeting. He announces that since the last plenary sitting fresh Delegates have arrived at Berlin, and have already been able to participate in the work of the Commissions. They are as follows: For Belgium, M. Jacobs, Minister of State and Member of the House of Representatives; for Spain, MM. de Castro, Senator, Inspector-General of Mines, and Santamaria de Paredes, Deputy, Director-General of Public Instruction, and Professor of Public Law at the University of Madrid; and for Portugal, MM. Madeira Pinto, Councillor and Director-General of the Commercial Department, and Oliveira Martins, Administrator of the Tobacco Régie and ex-Deputy.

M. Kayser announces that pamphlets and letters are daily addressed to the Conference in such large numbers, that it would be impossible to read them all to the meeting. He therefore considers he had best confine himself to depositing them in the office of the Secretariat, where the Delegates will find them accessible.

The President states that the aim of the present meeting is to ascertain the conditions under which the examination of questions set under No. VI of the programme should be undertaken. No Commission, so far, has been charged with the study of the point affecting "the putting into force of provisions adopted by the Conference." This reservation, which was introduced at a time when it was still not known if the deliberations would permit bases of understanding to be arrived at, might be withdrawn now that there were grounds for anticipating a favourable result. For this reason M. Magdeburg suggests assigning to the Second Commission, which is about to finish its work on Sunday rest, the additional task of preparing a Report on the questions therein raised.

The Conference having adopted this proposal, the President adjourns the sitting at half-past 10.

Inclosure 2 in No. 16.

TROISIÈME COMMISSION.

Résolution concernant le Travail des Enfants dans les Établissements Industriels.
(*Section III du Programme.*)

IL est désirable—

1. Que les enfants des deux sexes n'ayant pas atteint un certain âge soient exclus du travail dans les établissements industriels.

2. Que cette limite d'âge soit fixée à 12 ans (sauf pour les pays méridionaux, où cette limite serait de 10 ans).

3. Que ces limites d'âge soient les mêmes pour tout établissement industriel et qu'il ne soit admis sous ce rapport aucune différence.

4. Que les enfants aient préalablement satisfait aux prescriptions concernant l'instruction primaire.

5. Que les enfants au-dessous de 14 ans révolus ne travaillent ni la nuit ni le Dimanche.

6. Que leur travail effectif ne dépasse pas six heures par jour et soit interrompu par un repos d'une demi-heure au moins.

7. Que ces enfants soient exclus des occupations insalubres ou dangereuses ou n'y soient admis que sous certaines conditions protectrices.

(Translation.)

THIRD COMMISSION.

Resolution respecting Child Labour in Factories (*Section III of Programme*).

IT is desirable—

1. That children of both sexes who have not reached a certain age should be debarred from working in factories.

2. That this limit of age should be fixed at 12 years (except in southern countries, where the limit would be 10 years).

3. That these limits of age should be the same for every factory, and that there should be no difference in this respect.

4. That children shall have first conformed to the requirements as to primary instruction.

5. That children under 14 years complete should neither work at night or on Sunday.

6. That their actual work should not exceed six hours a-day, with an interval of at least half-an-hour rest.

7. That children be debarred from unhealthy or dangerous occupations, or only admitted to them under certain protective conditions.

Inclosure 3 in No. 16.

TROISIÈME COMMISSION.

Résolution concernant le Travail des Jeunes Ouvriers dans les Établissements Industriels.
(*Section IV du Programme.*)

IL est désirable—

1. Que les jeunes ouvriers des deux sexes de 14 à 16 ans ne travaillent ni la nuit ni le Dimanche.

2. Que leur travail effectif ne dépasse pas dix heures par jour et soit interrompu par des repos d'une durée totale d'une heure et demie au moins.

3. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses.

4. Que des exceptions soient admises pour certaines industries.

5. Qu'une protection soit assurée aux jeunes garçons de 16 à 18 ans en ce qui concerne :—

(*a.*) Une journée maximum de travail;
(*b.*) Le travail de nuit;
(*c.*) Le travail du Dimanche;
(*d.*) Leur emploi dans des occupations particulièrement insalubres ou dangereuses.

(Translation.)

THIRD COMMISSION.

Resolution respecting Work of Young Persons in Factories (*Section IV of Programme*).

IT is desirable—

1. That young persons of both sexes from 14 to 16 years of age should neither work at night or on Sunday.

2. That their actual work should not exceed ten hours a-day, with an interv alof at least a complete hour and a-half's rest.

3. That restrictions be provided for particularly unhealthy or dangerous occupations.

4. That exceptions be allowed in the case of certain industries.

5. That protection be assured to young persons from 16 to 18 years of age in regard to—

(*a.*) A maximum day's work.
(*b.*) Night work.
(*c.*) Sunday work.
(*d.*) Their employment in particularly unhealthy or dangerous occupations.

Inclosure 4 in No. 16.

TROISIÈME COMMISSION.

Résolution concernant le Travail des Femmes dans les Établissements Industriels.
(*Section V du Programme.*)

IL est désirable—

1. Que les filles et les femmes âgées de plus de 16 ans ne travaillent ni la nuit, ni le Dimanche.
2. Que leur travail effectif ne dépasse pas onze heures par jour, et qu'il soit interrompu par des repos d'une durée totale d'une heure et demie au moins.
3. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses.
4. Que des exceptions soient admises pour certaines industries.
5. Et que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement.

(Translation.)

THIRD COMMISSION.

Resolution respecting Female Labour in Factories (*Section V of Programme*).

IT is desirable—

1. That no girl or woman over 16 years of age should work either at night or on Sunday.
2. That their actual work should not exceed eleven hours a-day, with an interval of at least a complete hour and a-half's rest.
3. That restrictions be provided for particularly unhealthy or dangerous occupations.
4. That exceptions be made in the case of certain industries.
5. And that women who have been confined be not allowed to work until four weeks after their confinement.

Inclosure 5 in No. 16.

TROISIÈME COMMISSION.

Résolution.

ON entend par établissements industriels ceux que les lois réglementant le travail dans les divers pays considèrent comme tels, soit par voie de définition, soit par voie d'énumération.

Voté à l'unanimité.

(Translation.)

THIRD COMMISSION.

Resolution.

BY factories are to be understood those which are regarded as such by the Laws regulating labour in different countries, either by way of definition or classification.

Carried unanimously.

Inclosure 6 in No. 16.

QUATRIÈME COMMISSION.

I. POUR le cas où les Gouvernements donneraient suite aux travaux de la Conférence les dispositions suivantes se recommandent :—

1. L'exécution des mesures prises dans chaque État sera surveillée par un nombre

suffisant de fonctionnaires, spécialement qualifiés, nommés par le Gouvernement du pays, et indépendants aussi bien des patrons que des ouvriers.

2. Les Rapports Annuels de ces fonctionnaires publiés par les Gouvernements des divers pays seront communiqués par chacun d'eux aux autres pays.

3. Chacun de ces États procédera périodiquement, et autant que possible dans une forme semblable, à des relevés statistiques quant aux questions visées dans les délibérations de la Conférence.

4. Les États participants échangeront entre eux ces relevés statistiques, ainsi que le texte des prescriptions émises par voie législative ou administrative et se rapportant aux questions visées dans les délibérations de la Conférence.

II. Il est désirable que les délibérations des États participants se renouvellent afin de se communiquer réciproquement les observations que les suites données aux délibérations de la présente Conférence auront suggérées et afin d'examiner l'opportunité de les modifier ou de les compléter.

(Translation.)

FOURTH COMMISSION.

I. IN case the Governments should give effect to the labours of the Conference, the following provisions are recommended :—

1. The execution of the measures taken in each State shall be superintended by a sufficient number of specially qualified functionaries, nominated by the Government of the country, and independent alike of employers and workmen.

2. The annual Reports of these functionaries, published by the Governments of the different countries, shall be communicated by each of them to the other Governments.

3. Each of these States shall proceed periodically, and, so far as possible, in a similar form, to publish statistics on the questions included in the deliberations of the Conference.

4. The States taking part in the Conference shall exchange these statistical Reports among themselves, as well as the text of the provisions, either legislative or administrative, which have reference to the questions included in the deliberations of the Conference.

II. It is desirable that the deliberations of the States taking part in the Conference should be renewed in order to communicate to one another the observations suggested by the effect given to the deliberations of the present Conference, and in order to investigate an opportunity for modifying or completing them.

No. 17.

The Marquis of Salisbury to Sir J. Gorst.

(Telegraphic.) *Foreign Office, March* 26, 1890, 12·55 P.M.

YOUR attitude approved. You may assent to three proposals mentioned at close of your despatch of 24th instant.

No. 18.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.— (*Received March* 28.)

My Lord, *Berlin, March* 26, 1890.

WE have the honour to report that the Conference at its sitting to-day was occupied with reading the Reports of the Four Commissions, and no discussion took place.

The Report of the First Commission was referred back to consider an amendment proposed by Belgium, which was only read, and the Second Commission was also referred back to consider an amendment proposed by Germany, of which we inclose a copy. Neither of these amendments appear to us to be of any importance.

We transmit herewith the Report of the Second Commission. The reports of the other Commissions, though read, have not been distributed.

We have, &c.

(For Her Majesty's Representatives),

(Signed) JOHN E. GORST.

Inclosure 1 in No. 18.

DEUXIÈME COMMISSION.

(German Amendment.)

Travail du Dimanche.

"2. (*c.*) A l'égard des manutentions de réparation et de nettoyage destinées à assurer la continuité usuelle de l'exploitation."

Inclosure 2 in No. 18.

Rapport de la Commission du Travail du Dimanche.

M. le Président, Messieurs,

LA Commission à laquelle la Conférence Plénière a, dans sa séance du 17 Mars courant, renvoyé l'étude des questions relatives au travail du Dimanche, a l'honneur de vous présenter son Rapport.

La Commission, composée de Représentants de l'Allemagne, de l'Autriche, de la Hongrie, de la Belgique, du Danemark, de la France, de la Grande-Bretagne, de l'Italie, du Luxembourg, des Pays-Bas, du Portugal, de la Suède, et de la Suisse, s'est réunie les 17, 18, 19, 20, et 22 Mars. Dans sa première séance, elle a constitué son bureau, de sa Grandeur Mgr. le Dr. Kopp, Délégué de l'Allemagne, comme Président, de M. Tietgen, Conseiller d'État et Délégué du Danemark, comme Vice-Président, et elle a désigné M. le Landammann Blumer, Délégué de la Suisse, comme Rapporteur.

Nous rappellerons que les points à examiner par la Commission étaient formulés de la manière suivante dans le programme de la Conférence :—

1. L'interdiction du travail du Dimanche doit-elle former la règle, sauf les cas d'exceptions nécessaires ?

2. Si l'on arrivait à une entente par rapport à l'interdiction du travail du Dimanche, quelles seraient les exceptions admissibles ?

3. De quelle manière serait-il statué sur ces cas d'exceptions : par une entente internationale, par les lois, ou par voie administrative ?

En prenant possession de la présidence de la Commission, sa Grandeur Mgr. le Dr. Kopp, a prononcé l'allocution suivante :—

"Le problème que nous allons traiter est le repos du Dimanche. Il est vrai que la société humaine jouit de ce bienfait depuis près de 4,000 ans, mais il s'est toujours présenté des circonstances qui ont rompu cet ordre de choses.

"Dans les temps modernes, le développement de l'industrie a pris un essor tel, qu'il est devenu nécessaire d'empiéter sur le repos absolu du Dimanche. Il ne faut, en effet, pas méconnaître, d'une part, qu'il est inévitable de faire quelques concessions aux changements apportés par le temps, mais il ne faut pas oublier, d'autre part, que ces concessions ne sont que des exceptions de l'ordre général, et qu'il est nécessaire de les restreindre dans les limites les plus étroites, au profit des biens inestimables que procure à la société humaine le repos du Dimanche.

"Il est donc de notre devoir de rechercher la solution par laquelle les intérêts de l'économie industrielle se concilieront avec les exigences de l'ordre du Dimanche, sanctionné par la loi Divine et naturelle.

"Le travail qui nous réunit dans cette Commission marchera bien, si nous nous tenons dans les bornes inscrites dans notre programme. Ce programme comporte, non la célébration et la sanctification du Dimanche, mais la question du repos du Dimanche, et cette question est limitée aux établissements industriels : elle ne touche donc pas le commerce, ni les ateliers.

"Messieurs, mettons-nous à l'œuvre !"

Après avoir prononcé ce discours, M. le Président de la Commission a ouvert une discussion générale sur l'ensemble de la question.

Nous ne pensons pas qu'il soit nécessaire de reproduire ici, dans tous ses détails, cette discussion générale qui a été très longue et très laborieuse ; nous croyons plutôt qu'il suffit d'exposer les grandes lignes des principes soutenus ou combattus par les diverses Délégations, de donner le texte des différentes propositions qui se sont alors

ou par la suite trouvées en présence, d'indiquer succinctement les opinions émises sur chacune d'elles avant le vote en première lecture, puis de transcrire le texte des Résolutions adoptées en seconde lecture par la Commission.

Discussion Générale.

M. le Vice-Président Tietgen, Délégué du Danemark, a exposé que l'on trouve dans la Loi Anglaise de 1878 ("Factory and Workshops' Act") toutes les stipulations nécessaires pour assurer aux classes protégées, c'est-à-dire aux enfants, aux adolescents, et aux femmes le repos du Dimanche, et qu'il suffit d'ajouter à ces stipulations quelques règles pour les exceptions à déterminer en faveur de certaines industries et de certains métiers; il est d'avis de limiter ces exceptions de telle sorte que la faculté d'assister au Service Divin soit réservée dans le sens de la Loi Hongroise, qui dispose que "le patron est tenu de donner à ses apprentis, aides, et ouvriers, le temps nécessaire pour qu'ils puissent, aux jours de fête de leur religion, assister au Service Divin." Une disposition semblable se trouve dans la Loi Allemande ("Gewerbeordnung").

Sir John Gorst, Délégué de la Grande-Bretagne, a expliqué que, dans son pays, le travail du Dimanche est absolument interdit, sauf les cas de nécessité et de charité; et, bien que cette Loi soit ancienne, le peuple n'en désire pas l'abrogation, mais approuve, au contraire, le repos du Dimanche. En raison de ces circonstances, la Délégation de la Grande-Bretagne peut voter toute proposition ayant pour effet de limiter le travail du Dimanche.

M. Victor Jacobs, Ministre d'État et Délégué de la Belgique, a exposé que le Gouvernement Belge, dans la mesure de ses pouvoirs, ne néglige aucune occasion d'assurer aux ouvriers un jour de repos hebdomadaire et de le fixer au Dimanche. Le Département des Chemins de Fer a réglementé le service de façon à libérer, le Dimanche, le plus grand nombre possible d'ouvriers et d'employés; ceux qu'il n'a pu libérer entièrement ont un minimum de deux heures de liberté le Dimanche. Les Cahiers des Charges de ce Département, de même que ceux de l'Administration des Ponts et Chaussées, défendent aux entrepreneurs de faire travailler à leurs entreprises les Dimanches et jours fériés. Ce que fait l'État, les provinces et les communes peuvent le faire aussi; mais autre chose est de prêcher d'exemple, de favoriser le repos dominical en agissant *jure gestionis*, autre chose est de l'imposer *jure imperii*. L'Article 15 de la Constitution Belge porte: "Nul ne peut être contraint . . . . d'observer les jours de repos d'un culte." Ce texte, il est vrai, n'interdit pas au législateur de prescrire un repos hebdomadaire, mais la liberté du législateur rencontre d'autres obstacles que les textes Constitutionnels. Le respect de la liberté du travail des majeurs est un principe de la législation Belge; bien qu'il ne soit écrit dans aucune Loi, il les domine toutes, et la seule exception qui y ait été apportée est l'interdiction d'employer les femmes dans les établissements industriels pendant les quatre semaines qui suivent leur accouchement. Dans ces conditions, le Gouvernement Belge ne peut prendre l'engagement d'user du *jus imperii* pour assurer aux ouvriers majeurs le repos dominical ou hebdomadaire. La Loi de Décembre 1889 (Article 7) contribue indirectement à ce résultat, en interdisant d'employer au travail plus de six jours par semaine les enfants et adolescents de moins de 16 ans, ainsi que les filles et femmes de moins de 21 ans. On sait, en effet, que, dans beaucoup d'établissements industriels, le repos de ces catégories de travailleurs a pour conséquence l'inactivité de l'établissement. Cette action législative indirecte, l'action directe du *jus gestionis*, enfin l'action des encouragements dont le Gouvernement dispose, sont les seuls moyens que le Gouvernement Belge peut employer pour atteindre le but, éminemment désirable, de procurer aux ouvriers un jour de repos hebdomadaire et de le faire coïncider avec les jours fériés du culte auquel ils appartiennent. Les mœurs du pays font le reste; aussi peut-on affirmer que, sauf les exceptions nécessaires, le repos dominical est de règle dans les établissements industriels en Belgique.

Il résulte de là que, si la question ainsi formulée dans le programme de la Conférence: "L'interdiction du travail du Dimanche doit-elle former la règle, sauf les cas d'exceptions nécessaires?" devait être entendue en ce sens qu'il s'agirait d'imposer le repos dominical par ou en vertu de la Loi, le Délégué du Gouvernement Belge ne pourrait y répondre affirmativement. Il peut admettre l'action législative pour assurer un repos hebdomadaire aux ouvriers mineurs; mais, si la Commission croit devoir comprendre dans sa réponse les ouvriers majeurs, il demande qu'une réserve soit faite pour les pays dont la législation est basée sur des principes qui ne permettent pas de réglementer le travail des majeurs. En conséquence, M. Jacobs a proposé, au choix de la Commission, les deux rédactions suivantes:—

Première Rédaction.

"Dans les établissements industriels, un jour de repos par semaine doit être assuré aux ouvriers mineurs."

Deuxième Rédaction.

"Il importe d'assurer aux ouvriers des établissements industriels, dans la mesure où la nature du travail et le droit public du pays le permettent, un jour de repos par semaine."

M. le Délégué de la Belgique a ensuite complété cette rédaction, en proposant de dire: ". . . . dans la mesure où la nature du travail et les principes de droit public qui dominent la législation du pays le permettent, un jour de repos par semaine, de préférence le Dimanche."

M. Ellena, Délégué de l'Italie, a déclaré que la Délégation Italienne a reçu de son Gouvernement l'ordre d'appuyer la noble initiative de Sa Majesté l'Empereur et Roi.

L'Italie, soit à cause de son organisation industrielle, soit en raison des tendances du Pouvoir Législatif, n'a commencé que tard à protéger le travail des enfants dans les manufactures, et elle a rencontré, dans l'application de la Loi de 1886, des difficultés sérieuses, qui ne sont pas encore entièrement vaincues. L'Italie se trouve donc dans une situation tout à fait différente de celle des pays qui ont été en mesure de concilier les intérêts de la production avec une sage protection du travailleur.

Afin que la législation des fabriques puisse atteindre les hauts buts hygiéniques et moraux qu'elle se propose, sans contrarier le développement de l'industrie, il faut que les progrès de cette législation soient réglés de manière à ne pas troubler l'assiette du travail, à donner aux différentes branches de la production le temps de s'adapter aux mesures législatives, à permettre à la famille de l'ouvrier de se passer du salaire des plus jeunes enfants.

Les États représentés à la Conférence peuvent se grouper en deux catégories: il y a, en premier lieu, ceux qui, dominant les marchés de consommation, ne visent pas seulement à l'amélioration physique et morale de l'ouvrier, mais aussi à l'égalité des conditions de la concurrence dans les rapports internationaux. De l'autre côté se trouvent les Puissances industrielles de deuxième ordre, n'ayant à envisager que le côté moral de la question. Les derniers de ces États—et l'Italie doit être classée parmi eux—n'ont à espérer, pour le moment, d'autre compensation aux concessions qu'ils sont disposés à faire, que la satisfaction d'avoir contribué à une oeuvre de civilisation.

On doit encore remarquer que les États ayant une législation à peu près complète pour la protection du travail, ne font presque aucune concession en consentant à donner à cette législation un caractère international. Par contre, les États qui s'engagent à arrêter de nouvelles mesures pour arriver avec le temps à une protection plus efficace, font des concessions véritables.

Quelle que soit la portée de l'entente internationale qui se prépare, on ne saurait imaginer une législation uniforme du travail des fabriques dans tous les pays représentés à la Conférence, et cela en raison des considérations suivantes:—

1. Le développement physique et intellectuel de la population ouvrière dépend du climat, de la race, etc. La législation des fabriques doit tenir compte de ce fait capital.

2. Selon les principes qui dominent le droit public des différents pays, la législation dont il s'agit doit se borner à la protection des enfants, ou peut s'appliquer aussi au travail des femmes majeures et des ouvriers adultes.

3. Il y a des industries, et notamment celle de la filature de la soie, qui, étant en concurrence avec des pays qui ne sont pas représentés à la Conférence et où les conditions du travail sont tout à fait primordiales, ne peuvent pas être soumises, sans d'amples réserves, à une entente internationale.

Pour toutes ces considérations, M. Ellena s'associe au principe renfermé dans la proposition présentée par M. le Délégué de Belgique, à laquelle toutefois il propose de donner la rédaction suivante:—

"Tant que les principes de droit public qui dominent la législation de certains pays ne leur permettent pas d'assurer à tous les ouvriers des établissements industriels un jour de repos par semaine et de préférence le Dimanche, la Conférence déclare que le jour de repos dont il s'agit sera assuré aux enfants, aux adolescents, et aux femmes protégés par les lois."

M. le Landammann Blumer, Délégué de la Suisse, a exposé que la législation Suisse sur les fabriques, qui est en vigueur depuis l'année 1878, pose comme règle générale que le travail est interdit le Dimanche. Des exceptions à cette règle sont accordées, sous certaines conditions, dans les cas d'absolue nécessité, et les établissements qui, par leur nature, exigent un travail continu, sont également admis au bénéfice de ces exceptions, s'ils justifient auprès du Conseil Fédéral que leur industrie nécessite ce genre d'exploitation.

L'interdiction du travail du Dimanche s'applique aussi bien aux ouvriers adultes du sexe masculin qu'aux mineurs et aux femmes. Ce régime a produit d'excellents effets à tous les points de vue, et il est très apprécié non seulement de la population ouvrière mais encore des patrons eux-mêmes. Les expériences qui ont été faites en Suisse, sous ce rapport, engagent donc la Délégation de ce pays à proposer à la Commission de répondre comme suit aux trois questions posées par le No. II du programme de la Conférence :—

"1. L'interdiction du travail du Dimanche doit former la règle, sauf les cas d'exceptions nécessaires.

"2. Des exceptions doivent être consenties pour les établissements qui, d'après leur nature, exigent une exploitation ininterrompue, ainsi que pour les travaux qui, vu leur nature, ne peuvent être ajournés.

"Même dans les établissements de cette catégorie, chaque ouvrier doit avoir un Dimanche libre sur deux.

"3. Les exceptions ne seront pas spécifiées ; mais les conditions générales sous lesquelles les exceptions seront admises, devront être inscrites en principe dans l'arrangement international, dont l'exécution aura lieu par des mesures législatives et administratives."

M. le Ministre van der Hoeven, Délégué des Pays-Bas, a demandé qu'il soit fait une distinction entre le travail des enfants et des femmes, et celui des adultes, en vue de laisser une liberté absolue aux ouvriers de cette dernière catégorie.

M. van der Hoeven a motivé sa demande, en exposant que le Gouvernement Néerlandais a proposé et fait adopter par les États Généraux, une Loi réglant le travail des enfants, des femmes, et des adolescents, mais qu'il n'a pas cru devoir alors toucher à la question du travail des adultes, parce qu'il avait pu se convaincre qu'il ne connaissait suffisamment ni la nature du travail, ni l'état de l'industrie, ni la condition des ouvriers dans les Pays-Bas. Une Commission sera nommée pour procéder à une enquête sur le travail des adultes ; avant que le résultat de cette enquête ne soit connu, la Délégation Néerlandaise doit se réserver sur ce point, afin de ne pas préjuger les mesures que son Gouvernement pourrait trouver de son intérêt de prendre plus tard.

M. le Baron de Heyl, Délégué de l'Allemagne, a déposé la proposition suivante :—

"1. Le travail du Dimanche est, dans la règle, défendu pour tous les ouvriers, excepté les cas de nécessité.

"2. Il y a lieu d'admettre des exceptions :—

"(*a.*) Pour des raisons techniques, dans les industries dont la nature ne souffre pas l'intermittance du travail ;

"(*b.*) Pour des raisons de nécessité générale concernant l'alimentation ;

"(*c.*) Dans l'intérêt d'industries particulières qui, selon leur nature, sont bornées à ne fonctionner que dans certaines saisons ou qui dépendent d'une force motrice élémentaire."

M. le Baron de Heyl a motivé comme suit cette proposition de la Délégation Allemande :—

Depuis des milliers d'années, la septième journée est un jour de repos. De tout temps, il a été connu nécessaire que l'homme interrompît périodiquement son travail pour réparer ses forces ; s'il ne le fait pas, son corps s'use rapidement, ses forces et sa puissance de travail diminuent graduellement et finissent par être prématurément anéanties. Il est donc dans l'intérêt de l'humanité de prescrire un jour de repos obligatoire par semaine pour tous les travailleurs, qu'ils soient mineurs ou majeurs, qu'ils soient du sexe féminin ou du sexe masculin. Quant au choix de ce jour, l'Allemagne est d'avis qu'il doit tomber, pour chacun, sur le Dimanche qui, d'ailleurs, est déjà, par tradition, consacré au repos, et, suivant l'exemple donné par l'Angleterre, l'Autriche, et la Suisse, l'autorité Allemande se propose d'étendre aux adultes, par

voie législative, l'obligation qui existe déjà pour les mineurs d'interrompre tout travail industriel le Dimanche, sauf en cas de nécessité.

Une telle mesure, sur le côté moral et humanitaire de laquelle il n'est point nécessaire d'insister, répondra au désir général de toute la population de l'Empire, et il serait vivement à souhaiter que tous les pays Européens entrassent de même dans cette voie; c'est là le but cherché par la première disposition de la proposition des Délégués Allemands.

Les exceptions prévues dans cette proposition s'expliquent d'elles-mêmes; cependant, M. de Heyl voudrait qu'elles fussent encore plus restreintes, et il se rallie personnellement au deuxième alinéa de la proposition 2 de la Délégation Suisse, disant que "même dans les établissements de cette catégorie (ceux admis au bénéfice des exceptions), chaque ouvrier doit avoir un Dimanche libre sur deux."

M. le Baron Béla Weigelsperg, Délégué de l'Autriche, a fait remarquer que dans la législation de son pays, le repos du Dimanche est prescrit d'une manière très complète; cette législation interdit, en effet, le travail du Dimanche non seulement pour les ouvriers des fabriques, mais aussi pour ceux qui sont employés dans les ateliers, usines, chantiers de petits métiers, ainsi que pour les personnes occupées dans le commerce. Sont réservées, toutefois, les exceptions nécessaires.

Selon la loi Autrichienne, ces exceptions peuvent être établies par voie de réglementation administrative, pour les cas suivants:—

1. Lorsque la nature de l'industrie ne permet pas une interruption du travail;
2. Lorsque les besoins des consommateurs exigent que dans certains métiers on travaille aussi le Dimanche;
3. Lorsque les besoins du trafic public ne souffrent pas le chômage du Dimanche (transports, Commissionnaires, &c.).

De plus, le travail du Dimanche est permis en Autriche pour les opérations destinées à maintenir en bon état les établissements et les outils et pour leur nettoyage.

Dans ces circonstances, M. le Délégué de l'Autriche a déclaré pouvoir voter les propositions de l'Allemagne, complétées par le deuxième alinéa de la Résolution 2 que propose la Délégation Suisse.

Le Délégué de la Hongrie, M. Szterényi, déclare qu'en cette matière, les conditions en Hongrie sont les mêmes que celles de l'Autriche et que dans la Hongrie une Loi spéciale est en préparation pour être présentée au Parlement. Par conséquent, le Délégué est en état de voter pour la proposition faite par le Délégué de l'Allemagne, avec l'amendement présenté par la Suisse.

M. le Sénateur Tolain, Délégué de la France, a soumis la proposition suivante:—

"1. Il est désirable que le repos hebdomadaire soit assuré à tous les travailleurs.
"2. Le repos, pour les enfants et les femmes protégés par la loi, est fixé au Dimanche."

M. Tolain se préoccupe aussi des nécessités industrielles et du résultat moral à poursuivre. Dans son discours d'ouverture, Mgr. Kopp a bien marqué qu'il ne s'agit pas de célébrer le Dimanche; il résulte de là qu'il vaut mieux se placer sur le terrain du repos hebdomadaire qui, en fait, aboutira au Dimanche. M. Tolain a fait à la Commission un exposé de la législation Française et de l'état des mœurs, qui vient à l'appui de son opinion, et il a déclaré qu'en France il y aurait une impossibilité morale et matérielle à fixer un jour unique de repos.

Les partisans du repos dominical prévoient tous des exceptions à la règle générale; ces exceptions auront certainement pour effet d'amener des divergences dans l'application du principe, et il s'ensuivra que les Lois qui auront été votées pour la mise à exécution, tomberont bientôt en désuétude, ce qui est d'un très mauvais exemple pour les populations. C'est pourquoi M. Tolain estime que la première question doit viser le repos hebdomadaire, et non pas le repos du Dimanche.

M. W. de Tham, Délégué de la Suède, a déclaré que l'état de la législation ouvrière de son pays lui permet de se joindre aux propositions formulées par la Délégation Suisse.

M. le Dr. Brasseur, Délégué du Grand-Duché de Luxembourg, a présenté les observations suivantes: Tous les Délégués sont animés d'un même sentiment, c'est d'acorder un jour de repos par semaine à ceux qui sont voués au labeur quotidien. En manifestant ce désir, ils ne font que suivre l'une des traditions les plus anciennes de la societé humaine.

Quel sera ce jour? Il n'est pas réglé d'une manière uniforme dans les différents pays.

En Allemagne, en Angleterre, en Suisse, la loi prescrit le chômage du Dimanche.

D'autres pays, la France, par exemple, défendent le travail du Dimanche aux adolescents âgés de moins de 16 ans et aux filles mineures, c'est-à-dire, âgées de moins de 21 ans.

Certaines Législations ne parlent pas du Dimanche, mais elles interdisent de soumettre les adolescents âgés de moins de 16 ans, et les filles de moins de 21 ans, à une durée de travail de plus de six jours par semaine. Cette disposition se rencontre aussi dans la Loi Belge de 1889.

Le Grand-Duché de Luxembourg n'a pas de législation sur le repos du Dimanche. La Constitution de ce pays empêche de régler ce point. En fait, cependant, sauf de rares exceptions et en cas de nécessité absolue, les patrons et les ouvriers respectent dans le Grand-Duché le repos du Dimanche et des fêtes légales.

M. Brasseur s'associe à la deuxième rédaction proposée par M. le Délégué de la Belgique.

M. Pinto, Délégué du Portugal, a également déclaré accepter cette rédaction, attendu que le Gouvernement Portugais n'a pas le droit de réglementer le travail des ouvriers adultes, mais qu'il est seulement autorisé à édicter des dispositions pour protéger les enfants et les femmes mineures.

Tels sont, à grands traits, les exposés présentés, dans la discussion générale, par MM. les membres de la Commission.

Ajoutons que le principe d'accorder aux travailleurs un jour de repos hebdomadaire a été unanimement reconnu comme une nécessité, et qu'à l'unanimité aussi la Commission a considéré qu'il était hautement désirable, afin de donner une plus grande autorité aux Résolutions que votera la Conférence, de rechercher un terrain sur lequel pourront se rencontrer et s'unir les partisans des deux systèmes en présence, le repos dominical et le jour de repos hebdomadaire.

Discussion Spéciale en Première Lecture.

Première Question.—" L'interdiction du travail du Dimanche doit-elle former la règle, sauf les cas d'exceptions nécessaires ?"

En raison de l'esprit de conciliation qui s'est manifesté de toutes parts dans la discussion générale, le Président de la Commission, sa Grandeur M. le Dr. Kopp, a recherché les termes d'une Résolution à laquelle toutes les opinions pourraient se rallier. Les formules présentées par MM. les Délégués de la Belgique et de l'Italie ont l'avantage d'être très extensives, mais il ne faut pas méconnaître qu'il n'est pas possible, étant données les divergences qui existent entre les Législations nationales de concilier tous les vœux et toutes les manières de voir, et de les renfermer dans une seule formule.

Si donc la Commission se bornait à adopter une Résolution vague et platonique, n'ayant presque pas de valeur réelle, les espérances que l'on attache de tous côtés aux travaux de la Conférence seraient complètement déçues, et cete dernière serait, dans ce cas, en butte à des reproches qu'elle doit éviter de s'attirer. Elle n'échappera à ces reproches que si ses Résolutions tiennent compte des opinions qui veulent étendre la protection des ouvriers au delà des limites fixées par certaines Législations encore peu avancées, et, à cet effet, sa Grandeur Mgr. le Dr. Kopp, d'accord avec son collègue d'Allemagne, M. le Baron de Heyl, a proposé la Résolution suivante pour répondre à la question No. 1 :—

" 1. Il est désirable qu'un jour de repos par semaine soit assuré par la loi aux personnes protégées.

" 2. Il est désirable qu'un jour de repos soit assuré à tous les ouvriers de l'industrie.

" 3. Il est désirable que le jour de repos soit fixé, pour les personnes protégées, au Dimanche.

" 4. Il est désirable que le jour de repos soit fixé, pour tous les ouvriers de l'industrie, au Dimanche."

Cette proposition a écarté tous les autres projets de Résolutions présentés sur le même sujet, dans le cours de la discussion générale, et a fait l'objet d'une discussion détaillée.

Elle en est sortie modifiée et complétée comme suit, spécialement à la demande des Délégations de l'Italie, des Pays-Bas, et du Portugal :—

"Il est désirable, *sauf les exceptions et les délais nécessaires dans chaque pays* :—

"Qu'un jour de repos par semaine soit assuré aux personnes protégées ;

"2. Que le jour de repos soit assuré à tous les ouvriers de l'industrie ;

"3. Que le jour de repos soit fixé, pour les personnes protégées, au Dimanche ;

"4. Que le jour de repos soit fixé, pour tous les ouvriers de l'industrie, au Dimanche."

Les mots "par la loi," qui se trouvaient dans le texte primitif, ont été supprimés dans un but de conciliation, afin de laisser chaque État juge des moyens par lesquels il convient de poursuivre la réalisation de ces vœux.

Le préambule et les trois premiers points de cette Résolution ont été adoptés à l'unanimité des Délégués présents au moment du vote, soit par ceux de l'Allemagne, de l'Autriche, de la Hongrie, de la Belgique, du Danemark, de la France, de la Grande-Bretagne, de l'Italie, du Luxembourg, des Pays-Bas, du Portugal, de la Suède, et de la Suisse.

Dans le vote sur le quatrième point, le Délégué de la France s'est abstenu ; les Représentants de tous les autres pays ont émis un vote affirmatif.

Deuxième Question.—"Si l'on arrivait à une entente par rapport à l'interdiction du Dimanche, quelles seraient les exceptions admissibles ?"

M. le Baron de Heyl, Délégué de l'Allemagne, a déclaré retirer la proposition qu'il avait formulée sur ce point dans la discussion générale, et qui indique la voie dans laquelle son Gouvernement a l'intention d'entrer en ce qui regarde les exceptions à concéder au sujet du travail du Dimanche.

Dans un but d'entente, il remplace cette première proposition par la suivante :—

"Des exceptions sont admissibles :—

"(*a.*) A l'égard des exploitations qui, pour des raisons techniques, ou parce qu'elles fournissent au public des objets de première nécessité, exigent la continuité de la production ;

"(*b.*) A l'égard des exploitations qui, par leur nature, ne peuvent avoir lieu que dans des saisons déterminées ou qui dépendent de l'action irrégulière de forces élémentaires."

M. de Heyl a proposé, en outre, de compléter cette résolution par la disposition ci-après, continue dans la proposition de la Délégation Suisse :—

"Même dans les établissements de cette catégorie, chaque ouvrier doit avoir un Dimanche libre sur deux."

Cette proposition a été, dans son ensemble, adoptée par les Délégués de l'Allemagne, de l'Autriche, de la Belgique, du Danemark, de la France, de l'Italie, du Luxembourg, des Pays-Bas, du Portugal, de la Suède, et de la Suisse, étant entendu, toutefois, que le dernier paragraphe commencera par les mots : "*Il est désirable que, même dans les établissements . . .*," &c.

La Délégation de la Grande-Bretagne s'est abstenu, par la raison qu'à son avis les exceptions doivent être établies par la Législation de chaque pays, selon les sentiments et les conditions sociales du peuple, auquel elle s'applique.

Troisième Question.—"De quelle manière serait-il statué sur ces cas d'exceptions : par une entente internationale, par des lois, ou par voie administrative ?"

La Délégation Suisse a retiré le projet de Résolution qu'elle avait présenté sur cette question, parce que la rédaction de ce projet, qui correspondait au texte des propositions soumises sur les deux premiers points par la dite Délégation, ne se trouvait plus en harmonie avec le sens des décisions prises à cet égard par la Commission.

M. le Ministre Jacobs, Délégué de la Belgique, a formulé la proposition suivante :—

"Les moyens de déterminer les exceptions sont, comme ceux de réaliser les vœux de la Conférence, laissés à l'appréciation de chaque pays."

D'autre part, M. le Brasseur, Délégué du Luxembourg, a proposé une Résolution conçue en ces termes :—

"Il est désirable que les exceptions à introduire dans chaque pays soient similaires.

"Il est désirable que la réglementation des moyens pour atteindre ce but soit abandonnée à une entente entre les différents Gouvernements."

M. le Délégué Belge a motivé sa proposition, en disant qu'elle lui a paru cadrer avec les réponses faites par la Commission à la première question. En écartant des réponses à cette première question les mots "par la loi" qui figuraient dans les propositions primitives, la Commission a laissé à l'appréciation de chaque État la détermination des moyens par lesquels il y a lieu de poursuivre la réalisation des vœux relatifs au repos dominical. Il est naturel que la latitude admise pour la réalisation des vœux, le soit aussi pour la fixation des exceptions à apporter aux règles qui font l'objet de ces vœux.

Cette proposition ayant été combattue spécialement par les Délégations de l'Allemagne, du Luxembourg, des Pays-Bas, et de la Suisse, M. le Délégué Belge l'a remplacée par un nouveau texte, portant :—

"Il n'est pas possible de déterminer dés à présent la façon dont il sera statué sur les cas d'exceptions."

La Commission s'est prononcée contre cette proposition par 10 voix, celles de l'Allemagne, de l'Autriche, de la Hongrie, du Danemark, du Luxembourg, des Pays-Bas, du Portugal, de la Suède, de la Suisse, qui, en revanche, ont adhéré au deuxième alinéa de la proposition de M. le Dr. Brasseur, mise aux voix en opposition à la proposition Belge. Ont voté en faveur de cette dernière, la Belgique, la France, et la Grande-Bretagne. La Délégation Italienne s'est abstenue.

Le premier alinéa de la proposition du Luxembourg a ensuite été soumis au vote et a été adopté par 10 voix contre 4; ces dernières sont celles de la Belgique, de la France, de la Grande-Bretagne, et de l'Italie. Sur la demande de la Délégation Allemande, cet alinéa avait préalablement été complété par ces mots : "que les exceptions à introduire dans chaque pays soient établies à des points de vue similaires," et avait été rangé comme second alinéa de la Résolution. Celle-ci demeurait donc ainsi conçue :—

"Il est désirable que la réglementation des moyens pour atteindre ce but soit abandonnée à une entente entre les différents Gouvernements.

"Il est désirable que les exceptions à introduire dans chaque pays soient établies à des points de vue similaires."

Seconde Lecture sur les Trois Questions spéciales.

Il a d'abord été entendu que les modifications éventuelles aux Résolutions votées ne porteraient que sur la forme et non sur le fond, qui doit être considéré comme fixé définitivement.

Les trois Résolutions que la Commission soumet à l'adoption de la Conférence plénière, sont ensuite arrêtées en ces termes :—

Première Question.—"Il est désirable, sauf les exceptions et les délais nécessaires dans chaque pays :—

"1. Qu'un jour de repos par semaine soit assuré aux personnes protégées,

"2. Qu'un jour de repos soit assuré à tous les ouvriers de l'industrie,

"3. Que ce jour de repos soit fixé au Dimanche pour les personnes protégées,

"4. Que ce jour de repos soit fixé au Dimanche pour tous les ouvriers de l'industrie."

Le préambule et les paragraphes 1, 2, et 3 ont été adoptés à l'unanimité; le paragraphe 4 a également été voté à l'unanimité, moins la France, qui s'est abstenue.

Deuxième Question.—"Des exceptions sont admissibles :—

"(*a.*) A l'égard des exploitations qui exigent la continuité de la production pour des raisons techniques ou qui fournissent au public des objets de première nécessité, dont la fabrication doit être quotidienne;

"(*b.*) A l'égard des exploitations qui, par leur nature, ne peuvent fonctionner que dans des saisons déterminées ou qui dépendent de l'action irrégulière des forces naturelles.

"Il est désirable que, même dans les établissements de cette catégorie, chaque ouvrier ait un Dimanche libre sur deux."

Cette Résolution, ainsi modifiée quant à la forme, a été adoptée à l'unanimité. Était absent au moment du vote, M. le Délégué de la Grande-Bretagne.

Troisième Question.—"Dans le but de déterminer les exceptions à des points de vue similaires, il est désirable que leur réglementation soit établie par suite d'une entente entre les différents Gouvernements."

Ont voté pour cette Résolution : l'Allemagne, l'Autriche, la Hongrie, le Danemark, le Luxembourg, les Pays-Bas, le Portugal, la Suède, et la Suisse, soit neuf États.

Ont voté contre : la Belgique, la France, et la Grande-Bretagne, soit trois États.

S'est abstenu, l'Italie.

Ensuite de ces votes, la tâche de la Commission du Travail du Dimanche est terminée ; c'est à la Conférence Plénière qu'il appartient maintenant d'apprécier les conclusions auxquelles a abouti l'étude des questions renvoyées à la Commission. Nous nous plaisons à espérer que les Résolutions qui précèdent seront approuvées par la Conference dans la forme et teneur où elles ont été arrêtées par nous, après un examen très approfondi et très détaillé, et que, mises en pratique, elles nous conduiront au but que nous cherchons tous à atteindre.

Avant de clore le présent Rapport, nous éprouvons le désir d'exprimer à son Excellence M. le Baron de Berlepsch, Président de la Conférence Internationale, nos plus vifs remerciements de ce qu'il a bien voulu assister à la plus grande partie des travaux de notre Commission, et contribuer, par son autorité, sa parole, et ses lumières, à procurer une solution aux problèmes qui nous étaient posés.

Que sa Grandeur Mgr. le Dr. Kopp, le vénéré Président de notre Commission, reçoive aussi l'expression réitérée de notre reconnaissance pour la manière distinguée, pleine de tact et de prévenance, avec laquelle il a, non seulement dirigé nos délibérations, mais encore collaboré activement et avec fruit à nos travaux.

Au nom de la Commission du Travail du Dimanche :

Le Rapporteur,

(Signé) BLUMER.

Berlin, le 24 *Mars,* 1890.

(Translation.)

SECOND COMMISSION.

(German Amendment.)

Sunday Labour.

"2. (*c.*) With regard to the maintenance of repairs and cleaning necessary to allow the work to be carried on without intermission as usual."

Report of the Commission on Sunday Labour.

Mr. President and Gentlemen,

THE Commission to which the investigation of the questions relating to Sunday labour was referred by the full Conference in its meeting of the 17th March has the honour to present to you its Report.

The Commission was composed of Representatives from Austria, Belgium, Denmark, France, Germany, Great Britain, Hungary, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland. It met on the 17th, 18th, 19th, 20th, and 22nd March. At its first meeting the Commission elected Mgr. Dr. Kopp, German Delegate, as President; M. Tietgen, Councillor of State and Danish Delegate, as Vice-President, and M. Landamman Blumer, Swiss Delegate, as Secretary.

We will mention that the points to be investigated by the Commission were formulated as follows in the programme of the Conference :—

1. Should the prohibition of Sunday labour be made the rule, with the necessary exceptions ?

2. If an agreement is come to as regards the prohibition of Sunday labour, what exceptions shall be admitted ?

3. In what manner shall these exceptions become law : by international agreement, by law, or by administrative means ?

On taking the Chair as President of the Commission, Mgr. Dr. Kopp delivered the following address :—

"We are about to deal with the problem of Sunday rest. It is true that society has enjoyed this benefit for nearly 4,000 years, but circumstances have always arisen to interfere with this condition of things.

"In modern times industrial development has increased to such an extent that it has become necessary to encroach upon the absolute rest of the Sunday. It must, in fact, be recognized that, while on the one hand certain concessions must inevitably be made to the changes brought about by the lapse of time, on the other hand, we must not forget that these concessions are only exceptions to the general rule, and that they must be confined within the narrowest limits, in order that society may profit by the inestimable benefits which the Sunday rest bestows.

"It is therefore our duty to seek for a solution by means of which the interests of industrial economy may be reconciled with the requirements of the Sunday, sanctioned by law Divine and natural.

"We shall make good progress with our work in this Commission if we confine ourselves within the limits laid down in our programme. This programme has to do, not with the celebration and keeping of the Sunday, but with the question of Sunday rest, and this question is limited to industrial establishments; it does not, therefore, affect trade or workshops.

"Gentlemen, let us commence our labours!"

Having finished this speech, the President of the Commission opened a general discussion on the question as a whole.

We do not think it necessary to reproduce here, in all its details, this general discussion, which was very long and very laborious; we consider that it is sufficient to give the outline of the principles advocated or opposed by the different Delegates, to give the text of the various proposals which then, or later on, came to be dealt with, to summarize the opinions expressed upon each of these proposals before the vote on the first reading, and then to record the text of the Resolutions passed on the second reading by the Commission.

General Discussion.

Vice-President Tietgen, Delegate of Denmark, pointed out that all necessary stipulations for insuring Sunday rest to the protected classes, *i.e.*, to children, youths, and women, were to be found in the English Factory and Workshops Act of 1878, and that it would be sufficient to add to these stipulations certain regulations concerning exceptions which should be made in favour of certain industries and certain occupations; he was of opinion that these exceptions should be limited in such a way that the option of assisting at Divine Service should be reserved in the sense of the Hungarian Law, which provides that "the employer is bound to give his apprentices, assistants, and workmen sufficient time to enable them to attend Divine Service on those feast days which are prescribed by their respective religions." A similar provision was to be found in the German Law ("Gewerbeordnung").

Sir John Gorst, Delegate of Great Britain, explained that in his country Sunday labour is absolutely prohibited except in cases of necessity and charity; and that although the Law is an old one, the people do not desire its repeal, but approve, on the contrary, of Sunday rest.

M. Victor Jacobs, Minister of State and Delegate from Belgium, pointed out that the Belgian Government, as far as it is able, neglects no opportunity of assuring to workmen one day's rest in the week, and of fixing that day on Sunday. The Railway Department have so regulated the Sunday service as to liberate as many workmen and employés as possible; those who cannot be entirely liberated have a minimum of two hours' freedom on Sunday. By the Bye-laws of this, as well as of the Public Works Department, contractors are forbidden to carry on their works on Sundays and holidays. What the State does can also be done by the provincial and local authorities; but it is one thing to preach by giving an example, and by encouraging Sunday rest by acting *jure gestionis*, and another thing to impose it *jure imperii*. Article 15 of the Belgian Constitution says: "No one can be compelled to observe religious days of rest." It is true that this clause does not prevent the legislator prescribing a weekly day of rest, but the freedom of the legislator meets obstacles other than those created by clauses of a Constitution. Respect for the freedom of adult labour is a principle of Belgian legislation; although it appears in writing in no actual Law, it governs them all, and the only exception which has been made consists in the prohibition to employ women in industrial establishments during the first four weeks after

their confinement. Under these circumstances, the Belgian Government cannot undertake to use *jus imperii* to insure to adult workmen Sunday or weekly rest. The Law of December 1889 (Article 7) contributes indirectly to this result by forbidding the employment in work for more than six days in the week of children and youths under 16, and of girls and women under 21. It is known that, as a matter of fact, the rest enjoyed by this class of workpeople has, in many industrial establishments, the effect of closing the establishment. This indirect legislative action, the direct action of *jus gestionis*, and the action of encouragement which the Government brings to bear, are the sole means which the Belgian Government possess to attain the eminently desirable result of procuring one day's rest in the week for workpeople, and of making it coincide with the holidays of the religious persuasion to which they belong. The manners of the country do the rest, so much so that it can be affirmed that, with necessary exceptions, Sunday rest is the rule in industrial establishments in Belgium.

The result is that if the question formulated in the programme of the Conference: "Should prohibition of Sunday labour, except in necessary cases, be the rule?" was to be understood in the sense that the question was of enforcing Sunday rest by or in virtue of the law, the Delegates of the Belgian Government could not answer in the affirmative. He can admit legislative action for insuring a weekly rest to minors, but if the Commission settles to include adults in their answer, he begs that a reservation may be made for those countries whose legislation is based upon principles which do not admit any regulation of the work of adults. In consequence, M. Jacobs proposed the two following alternative drafts for the choice of the Commission:—

First Draft.

"In industrial establishments, one day of rest in each week is to be secured to workers under age."

Second Draft.

"It is desirable to secure to workmen in industrial establishments, so far as the nature of their work and the public law of the country permit, one day of rest in each week."

The Belgian Delegate then completed this draft by proposing to say: " . . . . so far as the nature of the work and the principles of public law which influence the legislation of the country permit, one day of rest in each week, the preference to be given to Sunday."

M. Ellena, Delegate of Italy, stated that the Italian Delegates had been instructed by their Government to give their support to the noble initiative of His Majesty the Emperor and King.

Italy, either in consequence of its industrial organization, or on account of the tendencies of its Legislature, have only recently begun to control the employment of children in factories, and has met with serious difficulties, which are not yet entirely overcome, in applying the Law of 1886. Italy is therefore in a position entirely different from that of countries which have been able to reconcile the interests of production with a wise protection of the labourer.

In order that factory legislation may attain the important sanitary and moral objects at which it aims, without hindering the development of industry, it is necessary that the progress of that legislation should be regulated in such a way as not to disturb the state of labour, to give the different branches of production time to adapt themselves to the legislative measures, and to enable workmen's families to do without the wages of the very young children.

The States represented at the Conference may be divided into two classes: there are, firstly, those which, commanding as they do the markets of consumption, aim not only at the physical and moral improvement of the workmen, but also at the equality of the conditions of competition between the different countries. The second division is composed of the second class Powers from an industrial point of view, which have to look only at the moral side of the question. The last of these States, and Italy must be placed among them, cannot look forward for the moment to any other compensation for the concessions which they are prepared to grant than the satisfaction of having taken part in a civilizing work.

It should, further, be noted that those States which have almost complete Laws for the protection of labour make hardly any concession when they consent to invest these Laws with an international character. On the other hand, those States which

undertake to pass new Laws in order to introduce more effectual protection hereafter make real concessions.

Whatever may be the scope of the International Agreement which is being prepared, it is impossible to imagine uniform Laws with regard to work in factories in all the countries represented at the Conference, for the following reasons :—

1. The physical and intellectual development of the working classes depends on climate, race, &c. In drawing up Factory Laws this important fact should be borne in mind.

2. According to the principles which govern public law in different countries, the legislation in question must be confined to the protection of children, or may be applied also to the regulation of the work of adult women and adult workmen.

3. There are certain industries, notably silk-spinning, which, competing as they do with countries which are not represented at the Conference, and in which the conditions of labour are very primitive, cannot, without considerable reservations, be made subject to an international arrangement.

For all these reasons M. Ellena agrees to the principle laid down in the proposal submitted by the Belgian Delegate, which, however, he suggests should be worded as follows :—

"So long as the principles of public law which govern the legislation of certain countries do not allow them to secure to all workmen in industrial establishments one day of rest every week, Sunday in preference to any other day, the Conference declares that the day of rest referred to shall be secured to children, young persons, and women protected by law."

M. Landammann Blumer, Swiss Delegate, stated that the Swiss Factory Laws, which have been in force since the year 1878, lay down the general rule that work on Sunday is prohibited. Exceptions to this rule are allowed, under certain conditions, in cases of absolute necessity, and establishments in which the nature of the work makes continuous labour necessary are also excepted from the operation of the rule, if they are able to prove to the Federal Council that the nature of their work demands it.

The prohibition of Sunday work applies to adult workmen as well as to persons under age and to women. This arrangement has had excellent results from every point of view, and is highly approved of, not only by the workpeople, but also by the masters themselves. The results of the experiment which has been made in Switzerland in connection with this subject induce the Swiss Delegates to propose that the Commission should reply as follows to the three questions put under No. II of the programme of the Conference :—

"1. The prohibition of Sunday work should be the rule, necessary exceptions being made.

"2. Exception may be made in the case of establishments in which the nature of the work makes uninterrupted labour necessary, and in the case of work which, from its nature, cannot be put off.

"Even in establishments of this class, every workman should have a free Sunday once a fortnight.

"3. The exceptions will not be specified, but the general conditions under which the exceptions will be allowed should be laid down in principle in the international arrangement, which will be carried out by means of legislative and administrative measures."

M. van der Hoeven, Delegate of the Netherlands, asked that a distinction should be made between the work of children and women and that of adults, so as to leave absolute freedom to workmen of the latter class.

M. van der Hoeven supported his request by explaining that the Netherland Government had proposed, and the States-General had passed, a Law on the labour of children, women, and youths, but that they had not thought proper to deal with the question of adult labour, because they had come to the conclusion that they had no sufficient knowledge either of the nature of the labour performed by workmen in the Netherlands or of the state of industry or of the condition of those workmen. A Commission will be appointed to inquire into adult labour; until the result of this inquiry is known, the Netherland Delegates must reserve the point, in order not to compromise the steps which their Government might find it their interest to take later.

The Baron de Heyl, Delegate for Germany, moved the following Resolution :—

"1. Sunday labour is, as a rule, prohibited for all workmen except in cases of necessity.

"2. Exceptions may be admitted :—

"(*a.*) For technical reasons, in the case of manufactures the nature of which does not allow an interruption of work ;

"(*b.*) For reasons of general necessity connected with the production of food ;

"(*c.*) On behalf of private industries which, by their nature, can be carried on only in certain seasons, or which depend on some elementary driving power."

Baron de Heyl supports the proposal of the German Delegates as follows :—

"For many thousands of years the seventh day has been a day of rest. It has always been acknowledged that man must break off his labour at intervals in order to renew his strength ; if he does not do so, his frame wears out rapidly, his strength and his working powers gradually diminish, and in the end are destroyed before their time. It is therefore in the interests of mankind that one day of rest per week should be made obligatory for all workers, whether of age or not, whether male or female. With regard to the choice of the day, Germany is of opinion that it should be Sunday for all, which day, moreover, is already, according to tradition, devoted to rest ; and, following the example set by England, Austria, and Switzerland, the German authorities propose to take legislative measures for the extension to adults of the obligation, already existing in the case of minors, to suspend all industrial work on Sunday except in case of necessity.

"It is not necessary to emphasize the moral and humanitarian aspects of such a measure, which will satisfy the general wishes of the whole population of the Empire, and it is very desirable that all European countries should alike adopt this course. This is the object of the first portion of the proposal of the German Delegates.

"The exceptions made in this proposal are self-explanatory ; still M. de Heyl would like to see them still more limited, and he is personally in favour of the second head of proposal 2 of the Swiss Delegation, which says that "even in establishments of this nature (those admitted to the exceptional advantage) every workman ought to have one Sunday in two free."

Baron Béla Weigelsperg, Austrian Delegate, remarked that, in the legislation of his country, Sunday rest is provided for in a very complete way ; this legislation, in fact, forbids Sunday labour not only for workers in factories, but also for those who are employed in workshops, mills, and yards of small businesses, as well as for persons engaged in commerce ; the necessary exceptions always being provided for.

According to the Austrian law, these exceptions may be established by means of administrative measures, in the following cases :—

1. When the nature of the industry permits of no interruption of work ;
2. When the needs of the consumer demand that in certain trades the workmen should labour on Sundays ;
3. When the needs of public traffic do not permit Sunday cessation (*i.e.*, carriers, commissionnaires, &c.).

Further, Sunday labour is allowed in Austria for those operations which are necessary to keep the works and implements in good condition, and to clean them.

Under these circumstances, the Austrian Delegate announced that he could vote for the German proposals, completed by the second heading of Resolution 2 proposed by the Swiss Delegation.

The Hungarian Delegate, M. Szterényi, declares that in this matter the conditions of work in Hungary are identical with those of Austria, and that in Hungary a special Law is in preparation for presentation to Parliament. Consequently the Delegate is in a position to vote for the proposal made by the German Delegate, with the amendment presented by Switzerland.

M. Senator Tolain, French Delegate, submitted the following proposal :—

"1. It is desirable that a weekly rest should be guaranteed to all workmen.

"2. This rest, for children and women protected by law, is fixed for Sunday."

M. Tolain also touches on the necessities of industry and the moral result to be aimed at. In his opening speech, Mgr. Kopp had emphasized the fact that it was not a

question of observing Sunday; it is better, therefore, for them to take their stand on the ground of weekly rest, which, as a matter of fact, would fall on Sunday. M. Tolain explained to the Commission the French legislation and the state of public opinion, which come to the support of his views, and he declared that in France it would be morally and practically impossible to fix a single day of rest.

The supporters of Sunday rest all provide for exceptions to the general rule; these exceptions will certainly have the effect of leading to differences in the application of the principle, and the result will be that the Laws passed for carrying it out will soon fall into disuse, setting a very bad example to the different peoples. This is the reason why M. Tolain thinks that the first question should consider the question of weekly, and not Sunday, rest.

M. W. de Tham, Swedish Delegate, declares that the state of the working legislation of his country allows him to support the proposals formulated by the Swiss Delegation.

Dr. Brasseur, Delegate of the Grand Duchy of Luxemburg, presented the following observations: All the Delegates are animated by the same sentiment, that of insuring a day of rest every week to those whose life is devoted to daily toil. In expressing this desire they are only following one of the most ancient traditions of human society.

What shall be this day? It is not uniformly regulated in the different countries.

In Germany, England, and Switzerland, Sunday cessation from work is prescribed by law.

Other countries, France for instance, forbid Sunday labour to youths under 16, and girls not yet of age, that is, under 21.

Some legislations do not allude to Sunday, but forbid youths under 16, and girls under 21, to work longer than six days a week.

This provision is also to be found in the Belgian Law of 1889.

The Grand Duchy of Luxemburg has no legislation on Sunday rest. The Constitution of the country forbids the regulation of this point by law. As a matter of fact, however, with rare exceptions, and except in case of sheer necessity, employers and workmen in the Grand Duchy respect the repose of Sunday and legal holidays.

M. Brasseur supports the second proposal of the Belgian Delegate.

M. Pinto, Portuguese Delegate, likewise declares his acceptance of this wording, seeing that the Portuguese Government has no right of regulating the labour of adult males, but is solely authorized to pass laws for the protection of children and women under age.

Such are broadly the statements presented in the general discussion by the Members of the Commission.

Let it be added that the principle of granting workmen a weekly day of rest was unanimously recognized as a necessity, and that the Commission also agreed unanimously that it was highly desirable, in order to give a higher authority to the Resolutions to be voted by the Conference, to find grounds on which the supporters of the two systems in question, Sunday rest and a day of weekly rest, may be able to agree.

Special Discussion on the First Reading.

First Question.—"Should the prohibition of Sunday labour be the rule, with the necessary exceptions?"

By reason of the conciliatory spirit which showed itself on every side in the general discussion, the President of the Commission, Mgr. Kopp, has drawn up the terms of a Resolution which all opinions might unite in supporting. The motions proposed by the Delegates of Belgium and Italy have the advantage of being very extensive, but it must be remembered that it is impossible, with the differences existing between the various national legislations, to reconcile all suggestions and standpoints, and comprehend them in a single phrase.

Should the Commission, therefore, limit itself to adopting a vague and platonic Resolution, almost without real value, the hopes raised on every side by the labours of the Conference would be completely deceived, and the latter would in this case be exposed to reproaches which it ought to avoid drawing upon itself. It will only escape these reproaches if its Resolutions take into consideration opinions tending to extend the protection of workmen beyond the limits fixed by certain legislations which are still but little enlightened, and, for this end, Mgr. Kopp, in conjunction

with his German colleague, Baron de Heyl, has proposed the following Resolution in answer to question No. 1 :—

"1. It is desirable that one day's rest a-week be assured by law to protected persons.

"2. It is desirable that one day's rest be assured to all industrial workers.

"3. It is desirable that the day of rest be fixed for Sunday for protected persons.

"4. It is desirable that a day of rest be established on Sundays for all workmen."

This proposal took the place of all other suggested Resolutions presented on the same subject in the course of the general discussion, and gave rise to a detailed debate.

It was eventually modified and completed as follows, at the special demand of the Delegations of Italy, the Netherlands, and Portugal :—

"It is desirable, *with the exceptions and delays necessary in each country* :—

"1. That a weekly day of rest be assured to protected persons;

"2. That this day of rest be assured to all factory workers;

"3. That this day of rest should be Sunday for protected persons;

"4. That this day of rest should be Sunday for all factory workers."

The words "by law," which occurred in the original text, were suppressed with a conciliatory object, in order to leave each State to judge of the methods by which it is best to pursue the realization of these suggestions.

The preamble and the first three points of this Resolution were unanimously adopted by the Delegates present at the vote, they being those of Germany, Austria, Hungary, Belgium, Denmark, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland.

In the vote on the fourth point the French Delegate abstained; the Representatives of all the other countries voted in the affirmative.

Second Question.—"If an agreement with regard to the prohibition of Sunday labour were arrived at, what exceptions should be allowed?"

Baron Heyl, German Delegate, announced that he would withdraw the proposal which he had raised on this point in the general discussion, indicating the path which his Government intended to follow respecting the exceptions to be conceded on the subject of Sunday labour.

In the hope of arriving at an understanding, he substituted for the first proposal the following :—

"Exceptions may be made :—

"(*a.*) In the case of work which, for technical reasons or because it supplies the public with objects of absolute necessity, demand continuous production;

"(*b.*) In the case of work which by its nature can only be carried on at stated seasons, or depends upon the irregular action of natural forces."

M. de Heyl, moreover, proposed to complete this Resolution by the following provision, contained in the proposal of the Swiss Delegation :—

"Even in establishments of this kind, every workman ought to have one Sunday in two free."

This proposal was adopted in its entirety by the Delegates of Germany, Austria, Belgium, Denmark, France, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland, it being always understood that the last paragraph should commence with the words : "*It is desirable that even in the establishments . . .*," &c.

The British Delegation abstained for the reason that, in their opinion, the exceptions should be fixed by the legislation of each country, according to the sentiments and social condition of the people to which it applies.

Third Question : "In what way shall these exceptions become law: by an international agreement, by law, or by administrative means?"

The Swiss Delegation withdrew the proposed Resolution which it had brought forward on this question, because the wording of this Resolution, which corresponded to the text of the proposals submitted on the two first points by the said Delegation was no longer in harmony with the sense of the decisions taken on this point by the Commission.

The Minister Jacobs, Belgian Delegate, formulated the following proposition :—

"The means of determining the exceptions are left to be settled by each country, as well as those for carrying out the suggestions of the Conference."

On the other hand, M. le Brasseur, Delegate for Luxemburg, has proposed a Resolution in the following terms :—

"It is desirable that the exceptions to be introduced in each country should be similar.

"It is desirable that the defining of the means for attaining that end should be left to form the subject of an understanding between the various Governments."

The Belgian Delegate supported his proposal by stating that it appeared to him to fall in with the replies of the Commission to the first question. By removing from those replies the words "by law," which appeared in the original proposals, the Commission left each State to decide by what means effect should be given to the suggestions made with regard to the Sunday rest. It is quite natural that the liberty of action permitted in regard to the realization of the suggestions should also be permitted in regard to exceptions from the general Regulations which form the subject of the suggestions.

This proposal having met with opposition on the part of the Delegates of Germany, Luxemburg, the Netherlands, and Switzerland, the Belgian Delegate put forward a new form of words, namely :—

"It is not possible to lay down at present by what means exceptions shall be provided for."

The Commission pronounced against this proposal by 10 votes, those, namely, of Germany, Austria, Hungary, Denmark, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland, but these votes were, however, given in support of the second paragraph of M. le Brasseur's proposal, put forward in opposition to the Belgian proposal. Belgium, France, and Great Britain voted in favour of the last-named proposal. The Italian Delegates abstained.

The first paragraph of the proposal made by the Delegate for Luxemburg was then put to the vote, and was adopted by 10 votes to 4; the latter were those of Belgium, France, Great Britain, and Italy. On the motion of the German Delegates, the paragraph in question had been completed by the addition of the words: "that the exceptions to be introduced in each country should be established from similar points of view," and had been made to stand as the second paragraph of the Resolution. It was herefore adopted in the following form :—

"It is desirable that the defining of the means for attaining that end should be left to form the subject of an understanding between the various Governments."

"It is desirable that the exceptions to be introduced in each country should be established from similar points of view."

Second Reading of the three Special Questions.

It was first agreed that future amendments of the Resolutions already voted should be in matters of form only, and not in matters of substance, which would henceforward be considered as finally settled.

The three Resolutions which the Commission submits for adoption by the full Commission are then drafted in the following terms :—

First Question.—"It is desirable, saving the exceptions and delays required in each country :—

"1. That one day of rest in each week should be guaranteed to all protected persons ;

"2. That one day of rest should be guaranteed to all factory workpeople;
"3. That this day of rest should be Sunday for all protected persons;
"4. That this day of rest should be Sunday for all factory workpeople."

The preamble and paragraphs 1, 2, and 3 were adopted unanimously; paragraph 4 was also adopted unanimously, with the exception of the vote of the French Delegates, who abstained.

Second Question.—"Exceptions are admissible:—
"(*a.*) In respect of work which necessitates continuous production for technical reasons, or which supplies the public with articles of prime necessity, that must be made every day;
"(*b.*) In regard to work which, by its nature, cannot be carried on except at stated seasons dependent on the irregular action of natural forces.
"It is desirable that, even in establishments of this kind, every workman should have one Sunday in two free."

This Resolution, thus modified in form, was unanimously adopted. Absent at the moment of voting, the Delegate of Great Britain.

Third Question.—"With the object of fixing the exceptions from similar points of view, it is desirable that the regulations concerning them should be laid down after an understanding has been come to on the subject between the various Governments."
Voted for this Resolution: Germany, Austria, Hungary, Denmark, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland, or nine States.
Against: Belgium, France, and Great Britain, three States.
Abstained: Italy.

These votes mark the conclusion of the task allotted to the Commission on Sunday Labour; it is now the duty of the Plenary Conference to investigate the conclusions to which the study of the questions referred to the Commission have led. We venture to hope that the preceding Resolutions will be approved by the Conference in the form and purport in which we have passed them, after a very profound and detailed examination; and that if put into force, they will lead us to the end which we are all seeking to attain.
Before closing the present Report, we desire to express to his Excellency Baron von Berlepsch, President of the International Conference, our most lively thanks for his kindness in assisting at the greater part of the labours of our Commission, and contributing by his authority, his opinion, and his enlightenment to procure a solution to the problems set before us.
We wish also to convey to Mgr. Kopp, the respected President of our Commission, the renewed expression of our thanks for the distinguished, clever, and provident manner in which he has not only guided our discussion, but also given his active and fruitful collaboration to our work.

In the name of the Commission of Sunday Labour:
The Secretary,
(Signed) BLUMER.

Berlin, March 24, 1890.

No. 19.

Sir J. Gorst to the Marquis of Salisbury.—(*Received March* 28, 3·37 P.M.)

(Telegraphic.) *Berlin, March* 28, 1890, 3 P.M.
DISCUSSION closed satisfactorily. All Reports adopted. Final Conference to-morrow.

No. 20.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 31.)

My Lord, *Berlin, March* 27, 1890.

WE have the honour to transmit herewith to your Lordship copies of the following Reports drawn up by the various Commissions on the Labour Conference :—

1. Report of the Commission on Mines.
2. Report of the Commission on Sunday Labour.
3. Report of the Commission on the Work of Children and Young Persons in Industrial Establishments.
4. Report of the Commission on the Work of Women.
5. Report of the Commission for putting into execution the Resolutions adopted by the Conference.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure 1 in No. 20.

Rapport de la Commission des Mines.

LA Commission, présidée par M. Hauchecorne, a examiné les trois questions de son programme libellées comme suit :—

Première Question.—Le travail sous terre, doit-il être défendu :

(*a.*) Aux enfants au-dessous d'un certain âge ;

(*b.*) Aux personnes de sexe féminin ?

Deuxième Question.—La journée de travail dans les mines offrant des dangers pour la santé, doit-elle être soumise à des restrictions ?

Troisième Question.—Pourra-t-on dans l'intérêt public, pour assurer la continuité de la production du charbon, soumettre le travail dans les houillières à des restrictions ?

Malgré quelques divergences des principes la Commission, animée de sentiments de conciliation, a émis, le plus souvent à la suite d'amendements apportés à des propositions primitives, et sous le bénéfice de quelques réserves et abstentions indiquées plus loin, les vœux ci-après :

Il est désirable—

Sur la première question :

(*a.*) Que la limite inférieure de l'âge, auquel les enfants peuvent être admis aux travaux souterrains dans les mines, soit progressivement élevé, à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus.

Toutefois, pour les pays méridionaux, cette limite serait celle de 12 ans.

(*b.*) Que le travail sous terre soit défendu aux personnes du sexe féminin.

Sur la deuxième question :

Que dans les cas où l'art des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mine, la durée du travail soit restreinte.

Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers, ou autrement, selon les principes et la pratique de chaque nation.

Sur la troisième question :

(*a.*) Que la sécurité de l'ouvrier et la salubrité des travaux soient assurées par tous les moyens dont dispose la science et placées sous la surveillance de l'État ;

(*b.*) Que les ingénieurs chargés de diriger l'exploitation soient exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées ;

(*c.*) Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation soient les plus directes possible pour avoir un caractère de confiance et de respect mutuel ;

(*d.*) Que les institutions de prévoyance destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées ;

(*e.*) Dans le but d'assurer la continuité de la production du charbon, on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif

consiste à ce que les patrons et les mineurs réunis en Associations s'engagent volontairement et réciproquement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage.

Observations Justicatives et Réserves.

Premier Vœu.—Une limite inférieure de l'âge d'admission du jeune ouvrier dans les travaux intérieurs des mines se justifie par des considérations de protection de l'enfance. Avant d'aborder la carrière des mines, l'enfant doit acquérir un développement intellectuel et physique suffisant.

Il ne peut être question de mesures d'application immédiate. D'autre part, les difficultés du recrutement et de l'apprentissage doivent être envisagées.

La Belgique vient de modifier sa législation du travail des femmes et des enfants. Aussi, considérant que c'est chez elle que la productivité par ouvrier est de beaucoup la plus faible, entend-elle ne toucher aux conditions économiques de son industrie charbonnière qu'avec une extrême prudence et conséquemment après un essai suffisant de sa nouvelle législation qui fixe l'âge minimum d'admission de l'enfant dans les mines à 12 ans pour le travail de jour, à 14 ans pour le travail de nuit. La pratique de la loi constituera une expérience qu'il est indispensable de faire avant d'aller plus loin.

Les Délégués Belges ont tenu aussi à spécifier la portée du mot "possibilité." Dans leur esprit, il ne peut s'agir d'une possibilité *absolue*, c'est-à-dire d'une absence d'inconvénients dans un pays déterminé, mais bien d'une possibilité *relative*, spéciale à chaque pays ; en d'autres termes, il ne serait question d'élever un jour l'âge d'entrée dans les mines que là où cette mesure n'exercerait, au moment où elle serait prise, aucune influence nuisible au recrutement des houilleurs à l'exploitation des mines.

Les Délégués de la France, de leur côté, tout en adhérant en principe au vœu qui vise la limite de 14 ans, ont exprimé des réserves en raison des besoins actuels du recrutement des apprentis-mineurs et aussi pour mettre hors de cause le cas des enfants qui se trouveraient avoir atteint avant 14 ans un développement intellectuel et physique suffisant, constaté par des certificats légaux.

Ils considèrent que la formule adoptée donne satisfaction à cette double réserve.

Les Délégués de l'Espagne et de l'Italie ont demandé que la limite inférieure de l'âge d'admission soit abaissée à 12 ans pour les pays méridionaux, l'adolescence dans ces contrées étant précoce. La limite d'âge légale étant actuellement de 9 ans pour l'Espagne et de 10 ans pour l'Italie, en consentant à un relèvement de cette limite jusqu'à 12 ans, ils pensent donner un gage de leur esprit de progrès.

Le vote sur cet abaissement de l'âge a recueilli neuf adhésions et deux abstentions (France et Angleterre). La France s'est abstenue non qu'elle ait aucune objection à élever à cet égard, mais parce qu'étant désintéressée dans la question, elle se borne à donner acte du vœu exprimé par les pays méridionaux. La Grande-Bretagne a déclaré ne pouvoir accepter la responsabilité de refuser aux enfants de ces pays le bénéfice de l'élévation de la limite d'âge à 14 ans.

Deuxième Vœu.—Le labeur minier en imprégnant la jeune fille d'une rudesse presque masculine, la prépare mal à son futur rôle d'épouse et de mère. On a fait observer aussi que l'emploi simultané des femmes et des hommes dans les travaux souterrains n'est pas sans présenter de sérieux inconvénients moraux.

Presque toutes les Législations ont interdit aux personnes du sexe féminin l'accès des travaux souterrains. Une récente Loi Belge évitant de toucher au principe de la liberté individuelle des majeurs a exclu les femmes jusqu'à l'âge de 21 ans. Mais l'expérience démontre que cet âge correspond le plus souvent à celui de leur désertion volontaire de la mine. Aussi les Délégués de la Belgique, tout en s'associant au vœu de la disparition des femmes des travaux souterrains des mines, mais n'entendant pas prendre, au nom de leur Gouvernement, l'engagement de modifier la Loi précitée, estiment que ce vœu sera réalisé par l'action de celle-ci.

Troisième Vœu.—Le vœu vise les cas d'insalubrité manifeste que la science serait impuissante à faire disparaître malgré tous les efforts de l'esprit de recherche. Il importe de rapprocher de ce vœu la proposition (*a*) du dernier objet de délibération de la Commission.

Autres Vœux.—Les vœux que comprend ce dernier objet sont assez détaillés pour n'avoir pas à être développés ici.

Pour le surplus, la Commission renvoie au compte-rendu de ses séances.

Le Rapporteur,

Berlin, le 25 Mars, 1890. (Signé) E. HARZÉ.

(Translation.)

Report of the Commission on Mines.

THE Commission, presided over by M. Hauchecorne, has examined the three questions of its programme specified as follows :—

First Question.—Should underground labour be forbidden :

(*a.*) For children below a certain age ;

(*b.*) For persons of the female sex ?

Second Question.—As the working day in mines offers danger to the health, should it be subject to restrictions ?

Third Question.—Will it be possible in the public interest, in order to insure a continuous output of coal, to make work in coal mines subject to restrictions ?

In spite of some differences of principle, the Commission, animated by conciliatory sentiments, has adopted the following suggestions, in most cases upon amendments to the original proposals, and with several reservations and abstentions mentioned later :—

It is desirable—

On the first question:

(*a.*) That the lower limit of age at which children may be admitted to underground labour in mines be progressively raised to 14 years complete, as it is proved by experience to be possible.

For the southern countries, however, this limit will be 12 years.

(*b.*) That underground labour be forbidden to persons of the female sex.

On the second question :

That in cases where the science of mining would be insufficient to remove all dangers to health arising from the natural or accidental circumstances of the working of certain mines, or certain galleries in mines, the duration of work should be restricted.

Each country is left with the care of insuring this result by legislative or administrative means, or by agreement between employers and workmen according to the principles and practice of each nation.

On the third question :

(*a.*) That the security of the workman and the wholesomeness of the works be insured by every means at the disposal of science, and placed under State supervision ;

(*b.*) That engineers charged with the direction of the works be exclusively men of tried technical experience and knowledge ;

(*c.*) That the relations between miners and engineers be as direct as possible in order to insure a spirit of confidence and mutual respect ;

(*d.*) That the provident institutions destined to insure the miner and his family against the effect of illness, accident, premature decay, old age, and death, and calculated to improve the lot of the miner and attach him to his profession, be continually developed ;

(*e.*) That with the object of insuring the continuance of the output of coal, efforts be made to prevent strikes. Experience tends to prove that the best preventive lies in a voluntary and reciprocal agreement on the part of employers and miners united in associations, in cases where their differences cannot be solved by direct arrangement, to have recourse to a solution by arbitration.

Explanations and Reservations.

First Suggestion.—A lower limit of the age for admitting the young to the interior of a mine is justified by considerations of the protection due to children. Before entering on a mining career the child should acquire a sufficient intellectual and physical development.

There can be no question of measures of immediate application. On the other hand, the difficulties of getting hands and of apprenticeship should be looked in the face.

Belgium has just modified her legislation respecting female and child labour. Therefore, seeing that the produce per workman is much less than elsewhere, she does not purpose touching the economic conditions of her coal industry otherwise than with extreme caution and after a sufficient trial of the new Law which fixes the minimum age for the admission of children to mines at 12 years for day work and 14 years for

night work. The working of the Law will be an experiment which must be made before taking any further step.

The Belgian Delegates were also desirous of specifying the extent of the meaning of the word "possibility." In their opinion, there can be no question of an *absolute* possibility, that is, of an absence of difficulty in any given country, but of a *relative* possibility, which would be particular to each country; in other words, there would be no question of raising, at any time, the age at which children could enter mines except where such a measure, at the time it might be taken, would have no damaging effect on the finding of miners for coal mines.

The French Delegates, on their side, while adhering in principle to the desire to obtain 14 years as the limit, expressed certain reservations founded on the actual requirements connected with finding mining apprentices, and also in view of excepting the case of children who may, before 14 years of age, have attained a sufficient intellectual and physical development, shown by legal certificates.

They consider that the form of words adopted meets these two reservations.

The Delegates for Spain and Italy asked that the inferior limit for admission should be lowered to 12 years for southern countries, where maturity is reached at an earlier age. The legal limit of age being now 9 years in Spain, and 10 years in Italy, they consider that they give proof of a spirit of progress in consenting to the limit being raised to 12 years.

The division on the proposal to lower the age showed nine adhesions and two abstentions (France and England). France abstained not because she had any objection to offer in the matter, but because, being disinterested in the question, she wished to do no more than see the desire expressed by the southern countries duly recorded. Great Britain declared that she could not take the responsibility of refusing the benefit of the elevation of the limit of age to 14 years to the children of those countries.

Second Suggestion.—Labour in mines gives an almost masculine roughness to girls, and ill fits them to their future position of wives and mothers. Attention has also been called to the fact that the simultaneous employment of men and women at underground work is not without serious moral objections.

Nearly every Legislation has prohibited persons of the female sex from working underground. A recent Belgian Law, while avoiding any encroachment on the principle of individual freedom, excludes therefrom all women under 21 years of age. But experience shows that this age is that at which they generally leave mining work voluntarily. The Belgian Delegates, therefore, while supporting the suggestion that women should be excluded from underground mining labour, but being unwilling to take, in the name of their Government, any engagement to alter the above-mentioned Law, express the belief that the suggestion will in practice be carried out by it.

Third Suggestion.—This suggestion meets the case of evident unhealthiness which science cannot get rid of, notwithstanding all researches that may be made. Proposal (*a*) of the last subject discussed by the Commission should be considered in connection with this suggestion.

Other Suggestions.—The suggestions contained in this last division are dealt with in sufficient detail not to call for further treatment here.

With regard to other matters, the Commission would refer to the minutes of its meetings.

(Signed) E. HARZÉ, *Secretary.*

Berlin, March 25, 1890.

Inclosure 2 in No. 20.

Rapport de la Commission du Travail du Dimanche.

[See Inclosure 2 in No. 18, p. 32.]

Inclosure 3 in No. 20.

Rapport de la Commission du Travail des Enfants et des Jeunes Ouvriers dans les Établissements Industriels.

Messieurs,

LA réglementation du travail des enfants et des adolescents est une des questions qui préoccupent le plus en ce moment l'opinion publique des pays industriels de l'Europe. C'est qu'elle touche tout à la fois aux conditions économiques de la production et à la situation matérielle, intellectuelle, et morale des classes labourieuses. Aussi forme-t-elle l'un des objets principaux du programme de la Conférence que la généreuse initiative de Sa Majesté l'Empereur d'Allemagne vient de réunir à Berlin, et à laquelle la plupart des États ont tenu à prendre part. Comme l'a très éloquemment rappelé, dans une de nos premières séances, notre Président, M. Jules Simon, l'un des plus anciens et des plus illustres défenseurs de l'enfance ouvrière : " Protéger l'enfant, c'est veiller au sort des générations à venir, et s'acquitter d'une dette humanitaire vis-à-vis de ceux qui ne peuvent pas toujours se défendre eux-mêmes, ou auxquels les protecteurs naturels font défaut." Ne peut-on pas dire aussi qu'en étendant aux jeunes ouvriers, dans une certaine mesure, la protection bienveillante du législateur, on fait œuvre de salut social et l'on sauvegarde l'avenir de la famille, cette première cellule de la nationalité. On permettra ainsi, à ceux qui ne sont pas encore parvenus à l'âge adulte, d'atteindre plus complétement leur développement physique et intellectuel et d'acquérir, pour leurs carrières futures, les réserves de force et d'énergie qui leur sont indispensables. Mais, d'autre part, il faut avoir égard aux nécessités de l'industrie, à la situation budgétaire des familles ouvrières dont elle est le gagne-pain principal, et ne marcher qu'avec prudence sur un terrain où des intérêts aussi considérables sont en jeu.

La Troisième Commission de la Conférence, chargée par elle d'examiner ces graves questions et de concilier ces deux tendances parfois contradictoires, ne s'est pas dissimulé les difficultés de sa tâche. Voulant donner satisfaction, dans la mesure du possible, aux vœux légitimes de la classe ouvrière, mais respectueuse avant tout des droits de tous, États ou individus, elle a compris qu'il ne serait pas aisé d'appliquer immédiatement et partout les résolutions qu'elle était appelée à prendre. Elle s'est bornée à adopter un ensemble de principes réglementaires du travail des enfants et des jeunes ouvriers qu'il serait désirable de voir introduire progressivement dans les diverses législations industrielles, autant que les mœurs nationales et les circonstances locales le permettraient.

Ce sont ces principes, sur lesquels les différents pays ont cherché à se mettre d'accord, que je vais exposer brièvement en faisant connaître en même temps les observations les plus importantes auxquelles ils ont donné lieu au sein de la Commission.

Section I.—*Réglementation du Travail des Enfants de* 12 *à* 14 *ans.*

1. En ce qui concerne la réglementation du travail des infants dans les établissements industriels, la Troisième Commission a décidé tout d'abord à l'unanimité " qu'il était désirable que les enfants des deux sexes n'ayant pas atteint un certain âge soient exclus du travail dans les établissements industriels."

2. Cette limite d'âge a été ensuite mise en discussion. Le Délégué de la Suisse (Dr. Kauffmann) a proposé l'âge de 14 ans, qui a été écarté par 13 voix contre 2 (Autriche et Suisse). Un Délégué Français (M. Delahaye) se rallie en son nom personnel à cette proposition. Une majorité de 12 voix contre 2 (Autriche et Suisse) et une abstention (Danemark) a écarté le minimum de 13 ans.

Le Délégué Allemand (M. Landmann) a déclaré ne pas avoir voté en faveur de l'âge de 13 ans parce qu'il se désintéresse de la question, les prescriptions de la Loi Scolaire ne permettant pas en Allemagne de terminer l'instruction primaire obligatoire avant cet âge. Il se réserve de présenter une proposition additionnelle sur la nécessité de s'acquitter du devoir scolaire avant d'être admis dans une fabrique.

Le Délégué-Adjoint Français (M. Laporte) espère que le législateur Français adoptera bientôt l'âge de 13 ans, un Projet de Loi dans ce sens étant à l'étude à la Chambre des Députés ; mais le Sénat ne s'étant pas prononcé, la voix de la France ne peut être acquise encore à ce minimum.

Le Président (M. Jules Simon) propose de fixer à 12 ans révolus le minimum d'âge pour être admis dans les établissements industriels, cette limite d'âge paraissant devoir réunir presque tous les suffrages.

Le Délégué de l'Angleterre (Mr. Scott) croit que l'opinion publique de son pays ne serait pas généralement défavorable à cette limite d'âge ; il constate la diminution progressive de l'emploi des enfants au-dessous de 12 ans en Angleterre, surtout dans les industries textiles ; mais dans l'état actuel de la législation Anglaise qui admet sous certaines restrictions le travail des enfants de 10 à 12 ans, il donne son vote approbatif *ad referendum*.

Le Délégué de l'Italie (M. Boccardo) demande que l'âge d'admission des enfants dans les établissements industriels ne soit pas le même pour tous les pays. La Loi Italienne du 11 Février, 1886, concernant la réglementation du travail, doit être considérée comme une première tentative qui n'a pas été exempte de difficultés sérieuses. En raison de la situation spéciale des industries de la filature et du moulinage de la soie, elle n'a pu être appliquée que d'une manière partielle, quand elle a été mise en exécution l'année suivante. L'Italie ne pourrait donc pas, en présence d'une expérience aussi récente et aussi incomplète, apporter à bref délai des restrictions nouvelles à celles déjà établies dans sa législation sur les fabriques. Il faut remarquer, d'ailleurs, qu'en ce qui concerne notamment le minimum d'âge d'admission des enfants dans les établissements industriels, la position de l'Italie est toute différente de celle des autres États représentés à la Conférence, non seulement par suite de l'évolution rationnelle des lois sur le travail, mais encore à cause des conditions géographiques, démographiques, et économiques des divers pays. Sous ce rapport, on ne peut évidemment pas assujettir la population Italienne aux mêmes règles que les populations du nord de l'Europe. On doit tenir compte, en premier lieu, de la précocité des races méridionales, due à l'influence du climat, à la situation géographique, et à la race elle-même : fixer à l'égard de tous les pays la même limite d'âge d'admission dans les fabriques, et déterminer partout de la même manière l'action protectrice de l'État sur les enfants et les adolescents, c'est manquer, en matière de législation industrielle, au principe d'égalité que la Conférence a pour objet de maintenir, et imposer des restrictions plus fortes aux pays du midi qu'à ceux du nord. En outre, l'industrie manufacturière de l'Italie en est encore à ses débuts : elle est loin d'avoir atteint le degré de développement des industries des grands pays de production Européens. Dans ces circonstances, il ne saurait être question d'exiger de l'Italie une législation semblable à celle qui garantit ailleurs les intérêts des enfants et des adolescents. Tuer une industrie, ce n'est plus protéger la classe ouvrière : tel est cependant le sort qui menacerait la filature et le moulinage de la soie si on ne les défendait pas contre la concurrence extra-Européenne de la Chine et du Japon, qui disposent d'une main-d'œuvre à des prix exceptionnellement bas. Au double point de vue géographique et industriel, l'Italie est donc en droit de demander un traitement spécial, et d'obtenir pour ses industries, outre des délais indispensables d'application, un minimum d'âge d'admission dans les fabriques, inférieur de deux ans au moins à celui des autres États.

Le Délégué de l'Espagne (M. Santamaria) rappelle que la Loi du 24 Juillet, 1873, interdit absolument l'admission des enfants de moins de 10 ans dans les fabriques, les ateliers, les usines, et les mines, et qu'un Projet de Loi présenté par le Gouvernement aux Cortès d'après les conclusions de la Commission des Réformes Sociales abaisse même ce minimum d'âge à 9 ans. Il déclare que tout en acceptant le principe fondamental de l'interdiction absolue ou relative selon l'âge des enfants et des jeunes gens, il devra s'abstenir si l'on n'admet pas un âge inférieur pour les pays méridionaux ou même des distinctions selon la nature du travail.

Le Délégué Danois (M. Bramsen) admet une différence d'âge pour les pays méridionaux, mais proteste, au nom de la protection due à l'enfance, contre toute réduction d'âge basée sur la situation spéciale de telle ou telle industrie.

Finalement, l'âge de 12 ans est admis de commun accord comme le minimum d'âge d'admission dans les établissements industriels. L'exception abaissant ce minimum à 10 ans pour les pays méridionaux rencontre deux abstentions (Suisse et Grande-Bretagne).

3. Une proposition additionnelle de l'Allemagne porte qu'il est désirable que les enfants admis dans les établissements industriels aient préalablement satisfait aux prescriptions concernant l'instruction primaire.

Le Délégué de Suède (M. de Tham) appuie cette proposition, la législation Suédoise défendant aux enfants qui ne possèdent pas le minimum d'instruction exigé pour la sortie de l'école primaire d'être employés dans les fabriques.

Le Délégué Italien (M. Boccardo) se prononce dans le même sens : il voit dans cette proposition un auxiliaire efficace des prescriptions de la Loi Italienne en matière d'instruction obligatoire.

Le Délégué de la Belgique (M. le Baron t'Kint de Roodenbeke) ne peut voter la proposition. Comme cette question ne figurait pas au programme de la Conférence, elle n'a pas fait l'objet des instructions de son Gouvernement. La Belgique, d'ailleurs, n'a pas de Loi sur l'instruction obligatoire, ce qui rend la disposition sans intérêt pour elle. Il s'abstiendra donc, d'autant plus que cette question donne lieu dans son pays à de vives controverses.

Le Délégué des Pays-Bas (M. Snyder van Wissenkerke) s'abstient pour des motifs analogues.

Le Délégué de la Grande-Bretagne, tout en ne se prononçant pas contre le principe de la proposition, ne peut y acquiescer parce qu'il estime qu'une disposition de ce genre est plus à sa place dans une Loi Scolaire ("Education Act") que dans une Loi sur les Fabriques ("Factory Act").

Le Délégué du Danemark (M. Topsöe) s'y serait rallié moyennant un amendement: la rédaction actuelle de la proposition serait incompatible avec le Règlement récemment promulgué qui fixe à 12 ans l'âge d'admission dans les fabriques Danoises. En Danemark, l'instruction primaire est obligatoire jusqu'à la 13e année, et même jusqu'à la 14e si l'enfant n'a pas subi l'examen prescrit. L'adoption de la proposition Allemande aurait donc pour effet de relever à 13 ou à 14 ans le minimum de l'âge d'admission dans les fabriques, ce qui serait d'autant plus regrettable que l'enseignement dans les écoles primaires est réglé de façon à permettre aux enfants, pendant une demi-journée la fréquentation des établissements industriels.

La proposition Allemande a été votée par 11 voix contre 2 (Danemark et Grande-Bretagne) et deux abstentions (Belgique et Pays-Bas).

4. Sur la proposition de la Suisse, et sous réserve de l'exception admise en faveur des pays méridionaux, la Troisième Commission a voté qu'il était désirable que la limite d'âge admise pour l'entrée des enfants dans les établissements industriels soit la même pour tous ces établissements, et qu'il ne soit admis sous ce rapport aucunes différences.

5. La Troisième Commission a eu enfin à examiner "quelles restrictions devaient être prévues en ce qui concerne la durée de la journée et le genre d'emploi des enfants admis au travail dans les établissements industriels?"

Une proposition de l'Allemagne porte:

1. Il est désirable que les enfants au-dessous de 14 ans révolus ne travaillent ni la nuit, ni le Dimanche.

Cette première partie est admise par la Troisième Commission sous les réserves suivantes des Pays-Bas, de la Belgique, et du Luxembourg:—

Le Délégué des Pays-Bas entend qu'il soit permis aux enfants appartenant à un culte n'observant pas le Dimanche (le culte Israélite par exemple) comme jour de repos, de fixer le repos hebdomadaire à un autre jour établi par leur culte.

Les Délégués Belge et Luxembourgeois se réfèrent en ce qui concerne la fixation obligatoire du jour de repos hebdomadaire au Dimanche, aux déclarations faites au nom de leurs pays respectifs au sein de la Deuxième Commission.

2. Il est désirable que le travail effectif des enfants de cet âge ne dépasse pas six heures par jour et soit interrompu par un repos d'une demi-heure au moins.

La Délégation Britannique accepte cette conclusion tout en déclarant qu'elle entend par les mots "ne dépasse pas six heures par jour" une moyenne de six heures de travail journalier. L'Angleterre se réserve aussi de continuer à appliquer son système actuel, dont l'expérience a démontré la grande utilité et qui consiste à admettre les enfants de 13 ans révolus et au-dessus ayant satisfait à l'épreuve scolaire prescrite par la loi Anglaise aux privilèges reconnus à la catégorie des jeunes ouvriers.

Le Délégué Autrichien (Baron de Plappart) s'y rallie aussi parce qu'en Autriche la loi défend aux enfants au-dessous de 14 ans révolus tout travail dans les établissements industriels et que dès lors il lui paraît avantageux que le travail des enfants de cet âge, là où il est permis, soit restreint autant que possible.

Les Délégués Hongrois et Italien se déclarent favorables à la journée de travail de huit heures, conforme à leurs législations.

Le Délégué Belge ne peut accepter actuellement pour les enfants de 12 à 16 ans la fixation d'une journée maxima de travail inférieure à douze heures, divisée par des repos d'une durée d'une heure et demie au moins. Il est vrai que la Loi Belge du 13 Décembre, 1889, prévoit la fixation, par Arrêté Royal, d'une journée de travail moindre pour les enfants de cet âge; mais le Roi n'aura à se prononcer sur ce point que dans un délai de trois ans; de plus il devra, auparavant, prendre l'avis des Conseils

de l'Industrie et du Travail, des députations permanentes des Conseils Provinciaux, et du Conseil Supérieur d'Hygiène; enfin les limites de la journée maxima de travail des enfants de 12 à 16 ans pourra être différente selon la nature des occupations ou les nécessités des industries, professions, ou métiers. Dans ces circonstances, le Délégué Belge ne peut engager la liberté du pouvoir Royal, en se ralliant à un maximum déterminé d'heures de travail inférieur à douze heures.

Le Délégué des Pays-Bas, où la journée maxima des enfants de 12 à 16 ans est actuellement de onze heures, et qui se trouve dans une situation légale analogue à celle de la Belgique, a voté contre la proposition pour les mêmes motifs.

Celle-ci est votée par 11 voix contre quatre (Belgique, Hongrie, Italie, et Pays-Bas).

Le Délégué Italien déclare qu'il ne peut accepter les votes ci-dessus qu'à la condition qu'il soit fait une réduction de deux années à la limite de 14 ans établie aux Nos. 1 et 2, conformément à ce qui a été décidé pour la fixation du minimum d'âge d'admission dans les établissements industriels. Cette déclaration s'applique également à toutes les dispositions de la Commission ayant trait à des questions d'âge.

3. Il est désirable que les enfants au-dessous de 14 ans soient exclus des occupations insalubres ou dangereuses, ou du moins qu'ils n'y soient admis que sous certaines conditions protectrices.

Le No. 3 est admis à l'unanimité.

Le Délégué du Portugal (M. de Oliveira Martins) fait ses réserves sur l'ensemble des dispositions qui viennent d'être votées ; le Portugal n'ayant pas encore de Loi sur la réglementation du travail des enfants, mais ayant l'intention de légiférer prochainement sur cette matière aura, le cas échéant, à sauvegarder la situation des enfants qui travaillent dans les etablissements industriels au moment de la promulgation des Règlements.

M. Laporte, Délégué-Adjoint de la France, ayant demandé si les dispositions réglementaires en faveur des enfants seraient applicables dans des industries spéciales telles que celles des parfums et de la conservation des sardines, il a été répondu qu'on ne s'occupait ici que des établissements industriels proprement dits.

Section II.—*Réglementation du Travail des Jeunes Ouvriers de* 14 *à* 18 *ans.*

La Troisième Commission a été également d'avis qu'il y avait lieu de protéger dans une certaine mesure les jeunes ouvriers n'ayant pas encore atteint l'âge adulte; mais elle a distingué ici deux degrés de protection selon qu'il s'agissait des adolescents des deux sexes de 14 à 16 ans, ou des jeunes garçons de 16 à 18 ans. Quant aux filles et femmes âgées de plus de 16 ans, elles ont été soumises à un régime spécial qui fera l'objet d'un Rapport de M. le Dr. Kaufmann, Délégué de la Suisse.

1. En ce qui concerne les jeunes ouvriers des deux sexes âgés de 14 à 16 ans, l'Allemagne a proposé les mesures de protection suivantes :—

(1.) Il est désirable que les jeunes ouvriers des deux sexes de 14 à 16 ans ne travaillent ni la nuit, ni le Dimanche.

Cela est adopté à l'unanimité, hors les exceptions prévues plus bas, et sous réserve des observations présentées dans la section précédente au sujet de la fixation du jour de repos hebdomadaire au Dimanche par le Luxembourg et par la Belgique, et de la déclaration de l'Italie quant à la différence d'âge de deux ans pour les pays méridionaux.

(2.) Il est désirable que leur travail effectif ne dépasse pas dix heures par jour et soit interrompu par des repos d'une durée totale de deux heures au moins.

Quant à la journée de travail, le Délégué de la Grande-Bretagne (Mr. Scott) rappelle qu'il entend les mots " ne dépasse pas dix heures par jour " comme indiquant une moyenne de travail de dix heures par jour, soit soixante heurespar semaine.

Le Délégué de l'Autriche (Baron de Plappart) devra s'abstenir au vote pour les motifs suivants : " La Loi en Autriche interdit à tout ouvrier, mineur ou adulte, de travailler plus de onze heures dans les établissements industriels. Il ne lui paraît pas admissible que le jeune ouvrier soit tenu de travailler moins de temps que l'adulte parce qu'il y a, d'après lui, une telle connexité entre le travail du jeune ouvrier et celui de l'adulte que l'un et l'autre doivent nécessairement commencer et finir leur travail à la même heure. La Délégation Autrichienne ne peut donc admettre de différence entre les jeunes ouvriers et les adultes par rapport à la durée du travail.

L'Espagne et l'Italie renouvellent leurs réserves et déclarent s'abstenir.

Les Délégués Belge et Hollandais voteront contre la fixation d'une journée maxima de travail des jeunes ouvriers de 14 à 16 ans si elle est inférieure respectivement à douze et à onze heures, pour les motifs indiqués dans la première section.

Quant au repos de deux heures au moins, il a été réduit à une heure et demie par 7 voix (Autriche, Hongrie, Belgique, France, Grande-Bretagne, Norvège, Portugal) contre 4 (Allemagne, Danemark, Luxembourg, Suède). L'Italie et les Pays-Bas ont voté pour une heure. La Suisse s'est abstenue.

L'ensemble de la disposition est votée pas 10 voix contre 2 (Belgique et Pays-Bas) et 3 abstentions (Autriche, Espagne et Italie).

(3.) Il est désirable que des exceptions soient admises pour certaines industries dans lesquelles l'interdiction du travail de nuit des jeunes ouvriers aurait pour conséquence leur exclusion complète de telles industries (usines à feu continu, forges, verreries, &c.).

Le Délégué du Luxembourg (M. Brasseur) propose que ces exceptions soient déterminées pas un accord international.

Après une longue discussion, la Commission se borne à décider que la Conférence n'aura pas à fixer le caractère de ces exceptions, et qu'elles seront abandonnées au législateur de chaque pays.

Une proposition du Délégué Suisse rejetant toute exception ayant été écartée, la Commission vote le No. 3 à l'unanimité sauf l'abstention de la Suisse.

(4.) Il est désirable que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses.—Admis à l'unanimité.

2. En ce qui concerne les dispositions réglementaires à prendre en faveur des jeunes garçons de 16 à 18 ans, le Délégué de l'Italie (M. Boccardo) n'est pas favorable à une protection aussi étendue de la loi. Il croit que les mesures restrictives concernant le travail des jeunes ouvriers, si elles sont appliquées rigoureusement, se traduiront par une limitation du travail de l'ouvrier adulte ; et peut-être même par une réduction de salaire à l'égard de ce dernier. Par conséquent, au lieu d'être utiles à la classe ouvrière, de telles restrictions finiraient par lui être préjudiciables.

Le Délégué d'Espagne s'abstiendra aussi de voter la proposition pour les raisons indiquées par lui à propos du vote sur le minimum d'âge de 12 ans. Toutefois il est d'accord sur le principe de restrictions graduelles entre l'interdiction absolue et la liberté du travail aussi longtemps que le jeune ouvrier n'a pas atteint son développement physique.

Le principe de la protection du jeune ouvrier jusqu'à l'âge de 18 ans, ayant été mis aux voix, est adopté par 8 États (Allemagne, Danemark, France, Grande-Bretagne, Portugal, Suède, Norvège, et Suisse) contre 6 (Autriche, Hongrie, Belgique. Luxembourg, Italie, Pays-Bas) et une abstention (Espagne).

Le Délégué de l'Allemagne (M. Koechlin) est d'avis que l'application du principe que la Commission vient de voter doit être réduite au strict nécessaire, par exemple : l'interdiction du travail de nuit et du Dimanche, et la limitation du travail dans les industries particulièrement insalubres ou dangereuses.

Le Délégué de la Suisse (M. Kaufmann) désire voir ajouter à ces limitations la fixation d'une journée maxima de travail, mais sans la déterminer.

Le Délégué Belge (Baron t'Kint de Roodenbeke) craint, comme le Délégué Italien, qu'une telle extension de la protection légale ne soit nuisible à la famille ouvrière en réduisant ses salaires ; elle lui paraît d'ailleurs peu utile, et il croit qu'il suffirait de faire à cet égard une déclaration générale visant surtout les occupations dangereuses ou insalubres.

Le Président (M. Jules Simon) pense aussi que le meilleur moyen de se mettre d'accord serait de faire une déclaration de principe en laissant chaque pays libre de l'appliquer comme il l'entend.

Sur les instances de l'Allemagne et de la Suisse, la Commission décide, en prenant acte des réserves de l'Italie et de l'Espagne, qu'il est désirable qu'une protection soit assurée aux jeunes garçons de 16 à 18 ans en ce qui concerne :—

1. Une journée maxima de travail—adopté par 9 voix (Autriche, Hongrie, Danemark, Espagne, France, Grande-Bretagne, Suède, Norvège, et Suisse) contre 6 (Allemagne, Belgique, Italie, Luxembourg, Pays-Bas, et Portugal) ;

2. Le travail de nuit—adopté par 10 voix (Allemagne, Danemark, Espagne, France, Grande-Bretagne, Luxembourg, Portugal, Suède, Norvège, et Suisse) contre 5 (Autriche, Hongrie, Belgique, Italie, Pays-Bas) ;

3. Le travail du Dimanche—adopté par 11 voix contre 4 (Belgique, Italie, Luxembourg, Pays-Bas) ;

4. Leur emploi dans les occupations particulièrement insalubres ou dangereuses—adopté par 14 voix contre 1 (Pays-Bas).

Section III.—*Définitions de quelques Expressions employées dans les deux Premières Sections.*

Avant de terminer ses travaux, la Troisième Commission à jugé utile de définir la portée exacte de certaines expressions dont elle s'était servie dans les Résolutions votées, notamment le terme "établissements industriels."

Plusieurs projets de définition lui ont été présentés. D'abord une définition proposée par la Délégation des Pays-Bas et ainsi conçue: "Un établissement industriel est tout espace clos ou non, destiné à exploiter à l'aide d'un moteur ou de dix ouvriers au moins une industrie ayant pour but de fabriquer, de façonner, d'orner, ou de vendre, et propre en quelque manière à l'usage ou à la vente des objets, excepté les denrées et les boissons prises sur place."

Une proposition de la Délégation Italienne portait: "On considère comme établissement industriel tout lieu dans lequel sont exécutés des travaux manuels de nature industrielle avec l'aide d'un ou de plusieurs moteurs mécaniques, quel que soit le nombre des ouvriers employés. Quand on ne met en œuvre aucune spécialité de moteur, est considéré établissement industriel tout lieu où travaillent réunis d'une manière permanente au moins dix ouvriers."

Un Délégué Français (M. Delahaye) donne aussi lecture d'un projet de définition présenté en son nom personnel: "On entend par établissement industriel une maison, un souterrain, un terrain ouvert, clos, couvert, ou sans clôture, où l'on transforme des moyens de production en marchandises. Il faut en outre qu'il y ait un certain nombre d'ouvriers (à déterminer) travaillant pendant un certain nombre de jours par an (à déterminer) ou que l'on fasse usage d'un moteur mécanique."

Le Délégué d'Espagne déclare s'abstenir de voter sur la question parce qu'il croit qu'au lieu d'employer les termes "établissements industriels" il faudrait dire "le travail des industries et des métiers qui exigent un déploiement de force supérieur à celui qui est compatible avec le développement physique et l'âge des enfants et des jeunes ouvriers." Il ne faut pas tenir compte, d'après lui, si le travail se fait au dedans ou en dehors d'un établissement.

Après un échange d'observations entre les Délégués de la France, de la Belgique, de la Hollande, et une courte analyse des législations étrangères sur ce point par le Délégué du Luxembourg, la Commission, sur l'invitation de son Président, se rallie à l'unanimité à une proposition de la Délégation Anglaise appuyée par la Belgique, l'Allemagne, l'Autriche, la Hongrie, le Luxembourg, et l'Italie, et ainsi concue: "On entend par établissements industriels ceux que les Lois réglementant le travail dans les divers pays considèrent comme tels soit par voie de définition, soit par voie d'énumération."

Il est aussi entendu que le terme "nuit" sera pris dans l'acception usuelle qui lui est reconnue dans les divers pays.

Quant aux mots: "Occupations insalubres ou dangereuses," ils ont été substitués, sur la proposition du Délégué Autrichien (Dr. Migerka) à ceux d'industries insalubres ou dangereuses, pour distinguer, dans de telles industries, les travaux réellement préjudiciables à la santé des enfants ou des jeunes ouvriers de ceux auxquels ils pouvaient être employés sans danger, par exemple: la fabrication des boîtes dans les fabriques d'allumettes chimiques.

Tel est, Messieurs, le compte-rendu fidèle des travaux de la Troisième Commission, et l'énumération des Résolutions qu'elle a prises dans ses six séances. Si je n'ai pas consigné dans ce Rapport toutes les communications intéressantes présentées au cours de nos débats, c'est qu'il avait été décidé de ne pas tenir de procès-verbal de nos réunions, et que je craignais, en les reproduisant ici, de nuire à la clarté de mon travail.

Au nom de la Troisième Commission, j'ai l'honneur de soumettre au vote définitif de l'assemblée plénière de la Conférence Internationale de Berlin les conclusions suivantes:—

Résolution concernant le Travail des Enfants dans les Établissements Industriels.

Il est désirable:—

1. Que les enfants des deux sexes n'ayant pas atteint un certain âge soient exclus du travail dans les établissements industriels;

2. Que cette limite d'âge soit fixée à 12 ans, sauf pour les pays méridionaux, où cette limite serait de 10 ans;

3. Que ces limites d'âge soient les mêmes pour tout établissement industriel et qu'il ne soit admis sous ce rapport aucune différence ;

4. Que les enfants aient préalablement satisfait aux prescriptions concernant l'instruction primaire ;

5. Que les enfants au-dessous de 14 ans révolus ne travaillent ni la nuit, ne le Dimanche ;

6. Que leur travail effectif ne dépasse pas six heures par jour et soit interrompu par un repos d'une demi-heure au moins ;

7. Que ces enfants soient exclus des occupations insalubres ou dangereuses, ou n'y soient admis que sous certaines conditions protectrices.

Résolution concernant le Travail des Jeunes Ouvriers dans les Établissements Industriels.

Il est désirable :—

1. Que les jeunes ouvriers des deux sexes de 14 à 16 ans ne travaillent ni la nuit, ni le Dimanche ;

2. Que leur travail effectif ne dépasse pas dix heures par jour et soit interrompu par des repos d'une durée totale d'une heure et demie au moins ;

3. Que des exceptions soient admises pour certaines industries ;

4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses ;

5. Qu'une protection soit assurée aux jeunes garçons de 16 à 18 ans en ce qui concerne :—

(*a.*) Une journée maxima de travail.

(*b.*) Le travail de nuit.

(*c.*) Le travail du Dimanche.

(*d.*) Leur emploi dans des occupations particulièrement insalubres ou dangereuses.

Le Rapporteur,
(Signé) Le Baron A. T'KINT DE ROODENBEKE.

(Translation.)

Report of the Commission on the Labour of Children and of the Young in Factories.

Gentlemen,

THE regulation of the labour of children and of the young is one of the questions which at this moment are most engaging public opinion in the industrial countries of Europe. It touches at once the economic conditions of production, and the material, intellectual, and moral position of the labouring classes. It also forms one of the chief subjects of the programme of the Conference which the generous initiative of His Majesty the German Emperor has just assembled at Berlin, and in which the majority of the States have agreed to take part. As our President, M. Jules Simon, one of the oldest and most illustrious defenders of working children, has very eloquently reminded us in one of our first sittings : "To protect the child is to watch over the lot of generations to come, and to pay a debt of humanity to those who cannot always defend themselves, or whose natural protectors desert them." May not one also say that in extending the benevolent protection of the Legislature, to a certain extent, to young workers, one is doing a work of social welfare, and safeguarding the future of the family, the first germ of nationality ? Those who have not yet arrived at adult years will thus be enabled to attain more fully their physical and intellectual development, and to acquire for their future career that store of force and energy which are indispensable to them. But, on the other hand, consideration must be had to the exigencies of industry, and to the financial position of the working families of which it is the principal support, and care taken only to advance with prudence on ground where such considerable interests are in play.

The Third Commission of the Conference, intrusted with the duty of examining these weighty questions, and reconciling these, at times, contradictory interests, has not concealed from itself the difficulties of its task. Wishing to give satisfaction as far as possible to the legitimate hopes of the working classes, but before all things respectful of the rights of all, whether States or individuals, it understands that it would not be easy to apply at once and in all lands the Resolutions which it was called upon to take. It has restricted itself to adopting a summary of principles regulating the labour of children and young workmen, which it would be desirable to

see introduced by degrees into the various industrial Legislations, so far as national customs and local circumstances would permit.

It is these principles, on which the different countries have sought to arrive at an agreement, which I am going briefly to set out, while at the same time explaining the most important observations to which they have given rise in the Commission.

Section I.—*Regulation of the Labour of Children from* 12 *to* 14 *years of age.*

1. As far as the regulation of child labour in factories is concerned, the Third Commission has unanimously decided, in the first instance, "that it was desirable that children of both sexes who have not yet reached a certain age be excluded from work in factories."

2. This limit of age was then discussed. The Swiss Delegate (Dr. Kauffmann) proposed the age of 14, which was rejected by 13 votes to 2 (Austria and Switzerland). A French Delegate (M. Delahaye) supports this proposal in his own name. A majority of 12 to 2 (Austria and Switzerland) and one absention (Denmark) rejected the minimum of 13 years.

The German Delegate (M. Landmann) declared that he had not voted in favour of the age of 13, having no interest in the question, since the provisions of the School Law did not admit of the close of obligatory primary instruction in Germany before that age. He reserves the right of bringing forward an additional proposal on the necessity of completing the requirements of education before being admitted to a factory.

The French Expert-Delegate (M. Laporte) hopes that the French legislation will soon adopt the age of 13, a Bill with this object being under the consideration of the Chamber of Deputies; but the Senate not having declared itself, the vote of France cannot yet be given in favour of this minimum.

The President (M. Jules Simon) proposes fixing at 12 years complete the minimum of age for admission to factories, as this limit of age would seem to include almost all opinions.

The English Delegate (Mr. Scott) believes that the public opinion of his country would not be generally unfavourable to this limit of age; he admits the progressing diminution in the employment of children under 12 in England, especially in the textile industries; but in the actual state of the English legislation which permits the labour of children from 10 to 12 under certain restrictions, he gives his vote *ad referendum* in favour of the proposal.

The Italian Delegate (M. Boccardo) asks that the age for admitting children to factories be not necessarily the same for all countries. The Italian Law of the 11th February, 1886, concerning the regulation of labour, ought to be considered as a first attempt, and not exempt from serious difficulties. Owing to the peculiar situation of the silk spinning and winding industries, it was only possible to apply it partially when put in force in the following year. Italy could not, therefore, in face of so recent and incomplete an experience, add new restrictions so shortly afterwards to those already established in her factory legislation. We must not forget, besides, that in what particularly concerns the minimum of age for admission of children to factories, the position of Italy is quite different from that of the other States represented at the Conference, not only because of the natural development of the Labour Laws, but also on account of the geographical, demographical, and economic conditions of the different countries. On this head, it is evident that the population of Italy cannot be subjected to the same rules as the peoples of the north of Europe. One must consider, first of all, the precocity of the southern races, due to the effect of climate, to their geographical situation, and to the race itself: to fix the same limit of age for admission to factories in all countries, and to settle the protective action of the State over children and youths everywhere in the same way, would be losing the principle of equality, as far as industrial legislation is concerned, which it is the object of the Conference to uphold, and imposing stronger restrictions on the southern countries than on the northern. Moreover, the manufacturing industry of Italy is still in its infancy; it is far from having attained the degree of development of the industries of the great productive countries of Europe. Under these circumstances there could be no question of exacting from Italy a legislation similar to that which protects the interests of children and young people in other countries. To destroy an industry does not mean protecting the working classes; yet this is the lot which would threaten the silk spinning and winding industries if they were not protected against the extra-European competition of China and Japan, which have at

their command exceptionally cheap labour. From both the geographical and industrial point of view, Italy has therefore the right to demand a special treatment, and to obtain for her industries, putting aside the indispensable delays in its application, a minimum age of admission to factories at least two years below that of other States.

The Spanish Delegate (M. Santamaria) reminds the Commission that the Law of the 24th July, 1873, absolutely forbids the admission of children below 10 to factories, workshops, mills, and mines, and that a Law brought in by the Government in the Cortes in accordance with the conclusions of the Commission on Social Reforms even lowers this age to a minimum of 9. He declares that while accepting the fundamental principle of absolute or relative interdiction according to the age of children and young people, he will be obliged to abstain from voting unless a lower age be admitted for the southern countries, or even distinctions according to the nature of the work.

The Danish Delegate (M. Bramsen) consents to a difference of age for the southern countries, but protests, in the name of the protection due to children, against all reductions of age based on the special position of certain industries.

Finally, the age of 12 is admitted by general agreement as the minimum of age for admission to factories. The exception which lowers this minimum to 10 years for southern countries is met by two abstentions (Switzerland and Great Britain).

3. An additional German proposal expresses the desirability of children admitted to factories having first satisfied the provisions respecting primary instruction.

The Swedish Delegate (M. de Tham) supports this proposal, as the Swedish legislation forbids the employment of children in factories unless they possess the minimum instruction required for leaving the primary schools.

The Italian Delegate (M. Boccardo) speaks in the same sense. He sees in this proposal an efficacious support to the provisions of the Italian Law concerning obligatory instruction.

The Belgian Delegate (Baron t'Kint de Roodenbeke) was not able to vote for the proposal. As this question did not figure in the programme of the Conference, it had not been made a subject for instructions by his Government. Besides, Belgium had no law concerning compulsory education, and this made the provision a matter of no interest for her. He should abstain, therefore, the more so as this question was in his country the subject of lively controversy.

The Netherland Delegate (M. Snyder van Wissenkerke) abstained for similar motives.

The British Delegate, whilst not pronouncing against the principle of the proposal, could not agree to it because he thought that a provision of this nature would be more in its place in an Education Act than in a Factory Act.

The Danish Delegate (M. Topsöe) would have agreed to it on condition of an amendment. The actual wording of the proposal would be incompatible with a Regulation recently issued which fixed 12 years as the age for admission into Danish factories. In Denmark primary education was compulsory up to 13 years, and even to 14 if the child had not passed the prescribed examination. The adoption of the German proposal would therefore have the effect of raising the minimum age of admission to factories to 13 or 14 years, which would be all the more deplorable, as teaching in the primary schools was regulated in such a way as to permit children to be in industrial establishments during a half-day.

The German proposal was voted by 11 to 2 (Denmark and Great Britain), and two abstentions (Belgium and the Netherlands).

4. Switzerland proposed, and (reserving the exception made in favour of southern countries) the Third Committee voted, that it was desirable that the limit of age for the admission of children into industrial establishments should be the same for all such establishments, and that no difference should be allowed on this point.

5. The Third Committee then had to consider " What restrictions ought to be made as regards the length of the day and the kind of employment for children allowed to work in industrial establishments? "

A proposal by Germany was to the effect that:

1. It was desirable that children below the age of 14 years complete should not work at night nor on Sunday.

This first part was agreed to by the Third Committee, with the exception of the Netherlands, Belgium, and Luxemburg.

The Netherland Delegate understood that by this children belonging to a sect not observing Sunday as a day of rest (the Jews for example) would be allowed to choose, as their weekly day of rest, the day established by their sect.

The Belgian and Luxemburg Delegates, on the question of the compulsory fixing of Sunday as the weekly day of rest, took their stand on the declarations made in the name of their respective countries in the Second Committee.

2. It was desirable that the actual work of children of this age should not exceed six hours a-day, and should be interrupted by an interval of rest of at least half-an-hour.

The British Delegates accepted this proposal, whilst stating that they understood by the words, "should not exceed six hours a-day," an average of six hours daily work. England, too, reserved the right of continuing to apply her present system, which experience had shown to be very useful, and which consists in admitting children of the age of 13 years complete, and above, who had passed the educational test prescribed by English law to the privileges accorded to the category of young workpeople.

The Austrian Delegate (Baron de Plappart) agreed to it, because in Austria the law forbids children below the age of 14 years complete to work in any way in industrial establishments, and that it, therefore, seemed advantageous that the work of children of this age, when permitted, should be as much restricted as possible.

The Hungarian and Italian Delegates declared themselves in favour of eight hours work a-day, agreeably to their laws.

The Belgian Delegate could not agree to the fixing of a maximun day's work for children of 12 to 16 years of age of less than twelve hours, divided by intervals of rest of one hour and a-half at least. It was true that the Belgian Law of the 13th December, 1889, provided for the fixing by Royal Decree of a shorter day's work for children of that age, but the King would not have to decide the point for three years; moreover, he would have to take the advice of the Councils of Industry and Labour, of the Permanent Deputations of the Provincial Councils, and of the Superior Council of Health; in conclusion, the limits of a maximum day's work of children of 12 to 16 years of age might vary according to the nature of the occupation or the requirements of the industries, professions, or trades concerned. Under these circumstances the Belgian Delegate could not fetter the liberty of the King's power by agreeing to a fixed maximum of hours of work of less than twelve.

The Delegate of the Netherlands, where the maximum day for children of 12 to 16 years of age stands at eleven hours, and which country is in a position analogous to that of Belgium, voted against the proposal from similar motives.

The proposal was voted by 11 to 4 (Belgium, Hungary, Italy, and the Netherlands).

The Italian Delegate declared that he could not agree to the above votes except on condition of a reduction of two years in the limit of 14 years established in Nos. 1 and 2, conformably to what had been decided as to the fixing of a minimum age of admission to industrial establishments. This declaration applied also to all the provisions of the Committee in connection with questions of age.

3. It was desirable that children below the age of 14 should be excluded from unhealthy and dangerous occupations, or, at least, that they should not be admitted except under certain safeguards.

No. 3 was unanimously agreed to.

The Portuguese Delegate (M. de Oliveira Martins) made reservations on the provisions which had been voted; Portugal not yet having a Law regulating the work of children, but intending to legislate presently on the question, would, should the case present itself, have to safeguard the position of children in industrial establishments at the time of the promulgation of the Regulations.

M. Laporte, Assistant Delegate of France, asked if the Regulations in favour of children would be applicable to special industries, such as perfumery and the preserving of sardines. The reply was that they were only dealing with industrial establishments properly so called.

Section II.—*Regulation of Work of Young Workpeople of* 14 *to* 18 *years of age.*

The Third Committee also thought that those who are not yet adult ought to be protected to a certain extent; but they here made a distinction of two degrees of protection according as the case was one of young people of either sex of 14 to 16 years of age, or of youths of 16 to 18 years of age. As to girls and women of more than 16 years of age, they had been put under special treatment which would be the subject of a Report by Dr. Kaufmann, the Swiss Delegate.

1. In the case of young workpeople of either sex of 14 to 16 years of age, Germany proposed the following protective measures:—

(1.) It is desirable that young workpeople of 14 to 16 years of age should not work at night nor on Sunday.

This was unanimously adopted, with the exceptions provided below, and with the reservation of the observations made in the preceding section on the subject of the fixing of Sunday as a weekly day of rest by Luxemburg and Belgium, and of the declaration made by Italy in regard to the difference of two years as regards age in the case of southern countries.

(2.) It is desirable that their actual work should not exceed ten hours each day, and should have intervals for rest of two hours' duration at least.

In regard to the day's work, the British Delegate (Mr. Scott) reminded them that he understood the words, "should not exceed ten hours each day," to mean an average of ten hours' work per day, *i.e.*, sixty hours per week.

The Austrian Delegate (Baron de Plappart) said he should have to abstain from voting for the following reasons: Austrian law forbade all workers, whether minors or adults, to work more than eleven hours in factories. It did not appear to him that it could be admitted that a young worker should be forced to work less than an adult, because in his opinion there was so close a connection between the work of a young worker and that of an adult that both of them ought of necessity to begin and end their work at the same time. The Austrian Delegates, therefore, could not admit a difference being made between young workers and adults as regarded the duration of work.

Spain and Italy renewed their reservations, and declared that they should abstain from voting.

The Belgian and Netherland Delegates said they would vote against fixing a maximum day's work for young workers of 14 to 16 years of age if it were less than twelve and eleven hours respectively, for reasons indicated in the first section.

The minimum rest of two hours was reduced to an hour and a-half by 7 votes (Austria, Hungary, Belgium, France, Great Britain, Norway, Portugal) to 4 (Germany, Denmark, Luxemburg, Sweden). Italy and the Netherlands voted for one hour. Switzerland abstained.

The proposal, as a whole, was voted by 10 to 2 (Belgium and Netherlands), with 3 abstentions (Austria, Spain, and Italy).

(3.) It is desirable that exceptions should be made in the case of certain industries in which the prohibition of night work in the case of young workers would have the result of excluding them altogether from such industries (blast furnaces, iron works, glass works, &c.).

The Luxemburg Delegate (M. Brasseur) proposed that the exceptions should be settled by international agreement.

After a long discussion, the Committee confined itself to deciding that the Conference should not be called upon to determine the character of the exceptions, and that they should be left to the Legislature of each country.

A proposal by the Swiss Delegate to reject any exception whatever having been negatived, the Committee voted No. 3 unanimously, with the exception of the abstention of Switzerland.

(4.) It is desirable that restrictions should be provided in the case of particularly unhealthy or dangerous occupations. This was unanimously agreed to.

2. As regards the regulations to be made in favour of youths of 16 to 18 years of age, the Italian Delegate (M. Boccardo) was not in favour of such a wide protection by law. He thought that the measures restricting the work of young workers, if vigorously applied, would practically mean limiting the work of the adult worker, and perhaps even a reduction of the latter's wages. Consequently such regulations, instead of assisting the working classes, would end by harming them.

The Spanish Delegate said he would abstain from voting for the proposal for the reasons indicated by him in regard to the vote on the minimum age of 12 years. At the same time, he agreed with the principle of restrictions graduating between absolute prohibition and freedom to work until the young worker should have attained his full physical development.

The principle of protecting the young worker up to 18 years was put to the vote, adopted by 8 States (Germany, Denmark, France, Great Britain, Portugal, Sweden, Norway, and Switzerland) to 6 (Austria, Hungary, Belgium, Luxemburg, Italy, the Netherlands), and 1 abstention (Spain).

The German Delegate (M. Koechlin) thought that in practice the principle that

the Committee had voted ought to be restricted to the absolute necessities of the case; for example, the prohibition of night and Sunday work, and the limitation of work in particularly unhealthy and dangerous trades.

The Swiss Delegate (M. Kaufmann) wished, in addition to these limitations, to fix a maximum day's work, but did not state what maximum.

The Belgian Delegate (Baron t'Kint de Roodenbeke) feared, like the Italian Delegate, that such an extension of legal protection might hurt the labouring classes by reducing their wages; in any case, he thought it of very little use, and considered that on this head a general declaration bearing more especially on dangerous or unhealthy occupations would suffice.

The President (M. Jules Simon) thought too that the best means of coming to an agreement would be to declare a principle, and leave each country to apply it in its own manner.

At the request of Germany and Switzerland the Committee decided, whilst taking note of the reservations made by Italy and Spain, that it was desirable that youths of 16 to 18 years of age should be protected as far as regarded—

1. A maximum day's work—carried by 9 votes (Austria, Hungary, Denmark, Spain, France, Great Britain, Sweden, Norway, and Switzerland) to 6 (Germany, Belgium, Italy, Luxemburg, the Netherlands, and Portugal);

2. Night work—carried by 10 votes (Germany, Denmark, Spain, France, Great Britain, Luxemburg, Portugal, Sweden, Norway, and Switzerland) to 5 (Austria, Hungary, Belgium, Italy, and the Netherlands);

3. Sunday work—carried by 11 votes to 4 (Belgium, Italy, Luxemburg, and the Netherlands);

4. Their employment in particularly unhealthy or dangerous trades—carried by 14 votes to 1 (the Netherlands).

Section III.—*Definitions of certain Expressions used in the first two Sections.*

Before terminating its labours, the Third Committee thought it would be useful to define the exact meaning of certain expressions which had been used in the Resolutions adopted, notably the phrase "industrial establishments" (or "factories").

Various schemes of definition had been brought forward. To begin with, the Netherland Delegation had proposed a definition which ran as follows: "An industrial establishment is every space inclosed or otherwise intended for the furtherance by means of a machine or ten workmen at least of an industry having for its object manufacturing, fashioning, ornamenting, or selling, and suited in some manner for the use or the sale of things, excepting commodities and drinks taken on the premises."

The Italian Delegates proposed the following: "An industrial establishment must be taken to mean any spot in which manual work of an industrial nature is executed by means of one or more machines, whatever be the number of workmen employed. Where no special machine is worked, an industrial establishment shall be taken to mean any spot where at least ten workmen work permanently together."

A French Delegate (M. Delahaye) read a definition personally brought forward by him: "An industrial establishment means a house, a cellar, ground, open, inclosed, covered, or uninclosed, where materials for production are transformed into merchandize. There must also be a certain number of workmen (the number to be agreed upon) working a certain number of days a-year (number to be agreed upon), or a machine must be used."

The Spanish Delegate said he would refrain from voting on this question because he thought that, instead of the term "industrial establishment," they ought to say, "work in industries or professions which require the application of a strength greater than is compatible with the age and physical development of children and young workers." The question whether the work was done inside or outside of an establishment ought not, according to him, to be taken into consideration.

After a discussion between the French, Belgian, and Netherland Delegations, and a short analysis of foreign legislation on this point by the Luxemburg Delegate, the Committee, at the request of the President, unanimously agreed to a proposal by the English Delegates, supported by Belgium, Germany, Austria, Hungary, Luxemburg, and Italy, which ran as follows: "By industrial establishments are meant those which the Law regulating work in the various countries considers as such, whether by means of definition or of enumeration."

It was also agreed that the term "night" should be taken in the sense recognized as usual in the various countries.

The words, "unhealthy or dangerous occupations," were substituted on the motion of the Austrian Delegate (Dr. Migerka) for the words, "unhealthy or dangerous industries," in order to distinguish in such industries work really prejudicial to the health of children or young workers from that in which they could be employed without danger, for instance, the making of boxes in chemical match factories.

Such is, Gentlemen, a faithful account of the labours of the Third Commitee, and an enumeration of the Resolutions taken by them in six sittings. If I have not included in this Report all the interesting communications brought forward during our discussions, it is because it was decided not to keep regular Minutes of our meetings, and because I feared, in reproducing them here, to impair the clearness of my work.

In the name of the Third Committee, I have the honour to submit to a definite vote of the plenary assembly of the International Conference of Berlin the following Resolutions:—

Resolution concerning the Work of Children in Factories.

It is desirable:—

1. That children of either sex not having reached a certain age be excluded from from work in factories;
2. That this limit of age be fixed at 12 years, except for southern countries, in which case the limit may be 10 years.
3. That these limits of age be the same for every factory, and that no difference on this point be admitted;
4. That the children must first have satisfied the provisions concerning primary instruction;
5. That children below 14 years complete should work neither at night nor on Sundays;
6. That their actual work do not exceed six hours a-day, and be broken by a rest of at least half-an-hour;
7. That these children be excluded from unhealthy or dangerous occupations, or be admitted to them only under certain protective conditions.

Resolution concerning the Labour of the Young in Factories.

It is desirable:—

1. That young workers of both sexes from 14 to 16 should work neither at night nor on Sundays;
2. That their actual work should not exceed ten hours a-day, and be broken by rests of a total duration of at least an hour and a-half;
3. That exceptions be admitted for certain industries;
4. That restrictions be provided for occupations of a peculiarly dangerous or unhealthy nature;
5. That protection be given to young men from 16 to 18 years, as far as concerns:—

(*a.*) A maximum day's labour.
(*b.*) Night work.
(*c.*) Sunday work.
(*d.*) Their employment in occupations of a peculiarly dangerous or unhealthy nature.

The Secretary,
(Signed) Baron A. T'KINT DE ROODENBEKE.

Inclosure 4 in No. 20.

Rapport de la Commission sur le Travail des Femmes.

M. le Président, Messieurs,

LA Commission que vous avez chargée de l'étude des questions relatives au travail des enfants, au travail des jeunes ouvriers, et au travail des femmes, a l'honneur de vous présenter, sous forme de résumé de ses délibérations, son Rapport sur ce dernier point qui, d'après le programme des travaux de la Conférence, comporte les problèmes suivants:—

"1. Le travail de jour et de nuit des femmes mariées doit-il être soumis à des restrictions ?

"2. Le travail dans les fabriques, de toutes les femmes et filles, doit-il être soumis à certaines restrictions ?

"3. Quelles restrictions seraient en ce cas à recommander ?

"4. Doit-on prévoir, pour certaines catégories d'exploitation, des exceptions aux règles générales, et quelles seraient, dans l'espèce, ces catégories ?"

Les Délégations de l'Allemagne et de la Suisse ont l'une et l'autre proposé un projet de Résolutions répondant, selon leurs vues particulières, aux quatre questions dont nous venons de reproduire le texte.

Le projet de l'Allemagne était conçu en ces termes :—

"Il est désirable :—

"*Questions* 1, 2, *et* 3.

"1. Que les femmes de tout âge ne travaillent ni la nuit, ni le Dimanche ;

"2. Que leur travail effectif ne dépasse pas onze heures par jour et qu'il soit interrompu par des pauses d'une durée totale de deux heures au moins ;

"3. Que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement ;

"4. Que d'autres restrictions soient prévues pour les industries particulièrement insalubres ou dangereuses ;

"*Question* 4.

"5. Qu'une réglementation exceptionnelle soit admise pour les industries dans lesquelles on ne peut se passer du travail des femmes pendant la nuit,"

Quant au projet de la Suisse, nous ne jugeons pas nécessaire de le reproduire ici, attendu que M. le Dr. Kaufmann, Délégué de ce pays, après avoir constaté que les propositions Allemandes, bien que rédigées en d'autres termes que le projet Suisse, concordaient avec celui-ci par le sens et les tendances, a déclaré le retirer partiellement en vue de simplifier le travail de la Commission. La Délégation Suisse a maintenu la Résolution qu'elle proposait pour répondre à la Question 4, Résolution portant que :—

"Il n'y a pas lieu de prévoir, pour certaines catégories d'établissements industriels, des exceptions aux règles générales," et elle a demandé la suppression, au paragraphe 2 des propositions Allemandes, des mots "d'une durée totale de deux heures au moins."

M. le Sénateur Boccardo, Délégué de l'Italie, a invité la Commission à vouloir bien prendre en considération le rapport qui existe entre la question du travail des femmes et un autre problème d'économie sociale qui, selon lui, a une grande importance.

Dans les pays où l'émigration temporaire a atteint des chiffres élevés, il arrive très souvent que les hommes seuls vont passer une certaine partie de l'année à l'étranger. Durant leur absence, ce sont les femmes qui ont charge de pourvoir, au moyen de leurs salaires, à l'entretien de la famille. Si l'émigrant est un homme prévoyant, il aura fait quelques économies et il apportera un pécule à la famille. Mais dans les cas les plus fréquents, il ne pourra guère, à son retour, lui venir en aide. En conséquence, si l'on voulait être trop absolu dans les restrictions proposées à l'emploi des femmes dans l'industrie, on pourrait bien arriver à un résultat tout à fait opposé à celui auquel nous tendons ; et, au lieu d'améliorer les conditions des classes nombreuses, on en viendrait à leur imposer des sacrifices bien graves.

Paragraphe 1 *de la Proposition Allemande.*

Au sujet du paragraphe 1 de la proposition Allemande, M. le Dr. Kaufmann, Délégué Suisse, a posé la question de savoir si, en disant "femmes de tout âge," on entend comprendre par là toutes les personnes du sexe féminin.

La Délégation Allemande, de qui émane la proposition, a répondu qu'il s'agit des filles et femmes âgées de plus de 16 ans, sur quoi M. le Baron t'Kint de Roodenbeke, Délégué de la Belgique, a déclaré ne pouvoir, dans ces conditions, accepter la Résolution parce que la Belgique ne peut protéger les travailleurs que jusqu'à un certain âge

et ne peut établir aucune restriction en ce qui concerne les adultes. Il a donc demandé que pour la première proposition de l'Allemagne, le vote fût scindé en deux parties: l'une se rapportant aux filles et femmes âgées de moins de 21 ans, l'autre aux femmes ayant dépassé cet âge. La Commission a décidé qu'il serait procédé au vote par division, selon la demande de M. le Baron t'Kint.

M. Santamaria, Délégué de l'Espagne, a ensuite déclaré qu'il s'abstiendrait de voter sur cette question ; quoiqu'il soit d'avis d'établir certaines restrictions en ce qui concerne le travail des filles jusqu'à leur majorité; il doit prendre cette attitude parce que, en Espagne, les personnes du sexe féminin ne sont pas majeures à 21 ans, mais seulement à 23 ans ; il envisage qu'il faudrait poser le principe, mais sans fixer d'âge.

Vote.

Conformément à la décision prise sur la demande de M. le Baron t'Kint, Délégué de la Belgique, la Commission a été appelée à se prononcer sur les deux points suivants :—

" (*a.*) Il est désirable que les filles et femmes de 16 à 21 ans ne travaillent ni la nuit, ni le Dimanche.

" (*b.*) Il est désirable que les filles et filles et femmes ayant dépassé l'âge de 21 ans, ne travaillent ni la nuit, ni le Dimanche."

Sur le point (*a*) treize Délégations ont émis un vote affirmatif; une Délégation (celle d'Espagne) s'est abstenue pour les raisons indiquées ci-dessus; le Délégué de la Belgique et celui du Luxembourg, tout en votant oui, ont fait des réserves au sujet du Dimanche, les Constitutions de ces pays ne permettant pas de rendre obligatoire le repos d'un jour quelconque de fête religieuse.

Sur le point (*b*) 7 Délégations ont répondu affirmativement (celles de l'Allemagne, de l'Autriche, du Danemark, de la Grande-Bretagne, des Pays-Bas, de la Suède, de la Suisse) ; 6 se sont prononcées dans le sens négatif (Belgique, Espagne, France, Hongrie, Italie, et Portugal). Le Délégué de la Norvège s'est abstenu.

Paragraphe 2 *de la Proposition Allemande.*

Sur la proposition de la Délégation d'Allemagne, il a été décidé que le vote sur le paragraphe 2 aurait lieu par division: " 16 à 21 ans," et " au-dessus de 21 ans," comme cela s'est fait pour le paragraphe 1.

M. Santamaria, Délégué de l'Espagne, a proposé de ne pas fixer l'âge de 21 ans, mais de dire " de 16 ans jusqu'à leur majorité," attendu que la protection de l'État doit s'étendre au delà de 21 ans dans les pays où, comme en Espagne, les personnes du sexe féminin n'atteignent leur majorité, c'est-à-dire, n'obtiennent la capacité juridique qu'à un âge plus avancé.

Cette proposition a été combattue par M. Koechlin, Délégué de l'Allemagne, qui a fait remarquer que les États pourront toujours aller au delà de la limite de 21 ans, si celle-ci est adoptée ; la Commission, partageant cette manière de voir, n'a pas admis la proposition de M. Santamaria.

M. Delahaye, Délégué de la France, a fait la déclaration suivante :—

" Je déclare, en mon nom personnel, être d'avis que la durée du travail effectif des femmes et des filles de tout âge soit légalement limitée dans les établissements industriels, mais ayant reçu un mandat déterminé concernant le travail des adultes, je fais mes réserves à cet égard."

Mr. Scott, Délégué de la Grande-Bretagne, a proposé que le travail des femmes ne puisse dépasser une moyenne de dix heures par jour ; ce système est mis en pratique dans son pays et chacun s'en trouve bien ; aussi la Grande-Bretagne se réserve-t-elle de continuer à l'appliquer. Si la Commission ne l'acceptait pas ou ne fixait pas la journée de travail à dix heures au maximum, la Délégation Britannique se rallierait cependant au chiffre de onze heures.

M. le Dr. de Schnierer, Délégué de la Hongrie, recommande l'adoption de la journée de dix heures au maximum ; de cette manière la femme pourra se vouer davantage aux soins de son ménage et à l'éducation de ses enfants.

M. le Baron t'Kint, Délégué de la Belgique, a fait la déclaration suivante :—

" La Belgique ne peut accepter, en ce moment, pour les femmes ou filles de 16 à 21 ans, la fixation d'une journée maxima de travail inférieure à douze heures, divisée

par des repos d'une durée d'une heure et demie au moins. Il est vrai que la Loi Belge du 13 Décembre, 1889, prévoit la fixation, par Arrêté Royal, d'une journée de travail moindre pour les femmes de cet âge ; mais le Roi n'aura à se prononcer sur ce point que dans un délai de trois ans ; de plus, il devra auparavant prendre l'avis des Conseils de l'Industrie et du Travail, des Députations Permanentes des Conseils Provinciaux, et du Conseil Supérieur d'Hygiène ; enfin, les limites de la journée maxima du travail des femmes de 16 à 21 ans pourra être différente, selon la nature des occupations ou les nécessités des industries, professions, ou métiers.

" Dans ces circonstances, le Délégué de la Belgique ne peut engager la liberté du pouvoir Royal en se ralliant dès maintenant à un maximum déterminé d'heures de travail inférieur à douze heures."

M. Boccardo, Délégué de l'Italie, a déclaré ne pas être disposé à accepter le principe d'une moyenne de travail par semaine, proposé par la Délégation Anglaise, car il faut, selon lui, fixer un minimum et un maximum.

Il a, en outre, déclaré ne pas pouvoir admettre la limitation de la durée du travail appliquée aux femmes de tout âge ; il accepterait seulement celle qui serait posée pour les femmes n'ayant pas dépassé 21 ans, et même, pour ces dernières, il croit nécessaire d'exclure de la limitation les femmes employées dans les industries qui, comme celles de la soie, comportent, dans la période de la campagne, une durée plus longue de la journée de travail. Il demande donc qu'une disposition dans ce sens soit introduite dans les Résolutions.

M. Koechlin (Délégué de l'Allemagne), appuyé par M. le Baron de Plappart (Délégué de l'Autriche), ont défendu la journée maxima de onze heures contre la proposition de la réduire à dix heures. Ils ont démontré que, dans l'état actuel de l'industrie et des conditions sociales, il n'est pas possible de descendre à ce chiffre de dix heures, mais que l'on pourra peut-être y arriver dans la suite.

Répondant à la demande de M. Boccardo, M. Koechlin a déclaré que la Délégation Allemande admet que des exceptions soient faites pour les industries temporaires ; mais l'orateur est d'avis qu'il n'y aurait pas lieu d'inscrire, pour régler ce point, une disposition dans les Résolutions, et qu'il devrait suffire de prendre note, au Protocole, de l'opinion de la Commission. La question devrait, d'ailleurs, être renvoyée à la discussion du paragraphe 5 ; ce à quoi M. Boccardo a consenti.

M. Santamaria (Délégué de l'Espagne) a ensuite demandé qu'il soit entendu que les Résolutions votées ou à voter ne s'appliquent qu'au travail dans les établissements industriels.

M. le Président a répondu que la Commission est de cet avis, et que, pour donner sarisfaction au désir de Santamaria, cette explication sera introduite sous une forme quelconque dans les Résolutions de la Commission. Elle l'a, en effet, inscrite dans le titre même de ses décisions.

Vote.

1. Sur le terme : 16 à 21 ans, avec reduction de la journée à dix heures :—

Ont voté oui : la Hongrie, la France, la Grande-Bretagne, le Portugal, soit quatre États.

Ont voté non : l'Allemagne, l'Autriche, le Danemark, l'Italie, le Luxembourg, les Pays-Bas, la Suède, la Norvège, soit huit États.

Se sont abstenus : la Belgique, l'Espagne, la Suisse, soit trois États.

Il résulte de ce vote que le chiffre de dix heures n'a été admis que par une minorité ; en conséquence, celui de onze heures est considéré comme adopté, ainsi que le terme " 16 à 21 ans."

En présence de ce résultat la Délégation de la Grande-Bretagne a déclaré renoncer à formuler une proposition, quant à une moyenne hebdomadaire du travail.

2. Sur la fixation de la durée des pauses.

La Délégation de l'Allemagne a modifié sa proposition primitive, en ce sens que la durée des pauses serait d'une heure et demie au moins, au lieu de deux heures. Cette proposition a été adoptée à une grande majorité, mais M. le Dr. Snyder van Wissenkerke, Délégué des Pays-Bas, a fait la réserve suivante :—

" La loi Néerlandaise limitant la durée du repos à une heure, je n'accepte la proposition de fixer le total des pauses à une heure et demie, que parce que la même durée est déjà acceptée pour les filles de 16 à 18 ans."

3. Sur le terme : au-dessus de 21 ans :—

Ont voté oui : l'Allemagne, l'Autriche, la Hongrie, la Grande-Bretagne, le Luxembourg, les Pays-Bas, la Suisse, soit sept États.

Ont voté non : la Belgique, l'Espagne, la France, l'Italie, le Portugal, soit cinq États.

Se sont abstenus : le Danemark, la Suède, et la Norvège, soit trois États.

En conséquence de ces votes, le paragraphe 2 de la proposition Allemande a été considéré comme adopté dans sa forme et teneur.

Le paragraphe 3 de la proposition Allemande, se rapportant aux femmes accouchées, a été admis à l'unanimité.

Le paragraphe 4 de la même proposition, relatif aux restrictions pour les industries particulièrement insalubres et dangereuses, a également été adopté par la Commission, mais sans vote spécial par État, ce vote n'ayant pas été réclamé.

Paragraphe 5. M. Koechlin, Délégué de l'Allemagne, a exposé, pour satisfaire à une demande formulée par M. Boccardo dans le cours de la discussion du paragraphe 2, que les exceptions devraient s'étendre aussi à la prolongation du travail de jour, lorsque la nature de l'industrie exige une telle prolongation.

M. Boccardo (Délégué de l'Italie) s'est déclaré d'accord avec cette manière de voir qui tend à autoriser dans certains cas une période de travail de jour plus longue que onze heures ; la formule adoptée sous ce rapport pour les jeunes ouvriers doit donc aussi s'appliquer aux femmes.

M. le Dr. Kaufmann (Délégué de la Suisse) a rappelé sa proposition portant qu'il n'y a pas lieu de prévoir des exceptions aux règles générales.

Combattue par M. Koechlin, cette proposition a été, à la demande de son auteur, mise aux voix en opposition au paragraphe 5 de celle de l'Allemagne ; elle a été repoussée par toutes les Délégations sauf celle de la Suisse, de sorte que le paragraphe 5 proposé par l'Allemagne a été considéré comme adopté dans le sens extensif résultant des propositions de MM. Koechlin et Boccardo.

Discussion en Deuxième Lecture des Résolutions adoptées en Première Lecture, et rédigées comme suit par le Bureau de la Commission.

Il est désirable :—

1. Que les filles et les femmes âgées de plus de 16 ans ne travaillent ni la nuit, ni le Dimanche ;

2. Que leur travail effectif ne dépasse pas onze heures par jour et qu'il soit interrompu par des repos d'une durée totale d'une heure et demie au moins ;

3. Que des restrictions soient prévues pour les industries particulièrement insalubres ou dangereuses ;

4. Que des exceptions soient admises pour certaines industries ;

5. Que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement.

Première Résolution.—Il a été admis d'entrée que, ainsi que cela a eu lieu en première lecture, la Résolution serait divisée en deux termes, savoir :—

"Filles et femmes de 16 à 21 ans," et "filles et femmes au-dessus de 21 ans," et que ce dernier terme serait mis au vote en première ligne.

M. le Delégué du Portugal a fait la déclaration suivante : "En votant contre le No. 1 de la Section V du programme, concernant le travail des femmes, j'obéis aux prescriptions du droit civil Portugais et aux instructions de mon Gouvernement. Je voterais affirmativement, si la doctrine ne s'appliquait qu'aux femmes de moins de 21 ans, âge de la majorité pour la femme, d'après le droit civil Portugais."

MM. les Délégués de la Belgique, de l'Espagne, de la France, et de l'Italie ont fait des réserves analogues, puis il a été procédé au vote. En voici le résultat :

Deuxième terme : au-dessus de 21 ans :—

Ont voté oui, les États suivants : l'Allemagne, l'Autriche, la Grande-Bretagne, le Luxembourg, les Pays-Bas, la Suède, et la Suisse ; total, sept États ;

Ont voté non, la Hongrie, la Belgique, l'Espagne, l'Italie, le Portugal, soit cinq États ;

Se sont abstenus : le Danemark, la France, et la Norvège, soit trois États.

Le deuxiéme terme est donc adopté à la majorité, d'où il suit que la Résolution est admise dans sa rédaction générale, savoir, "Il est désirable que les filles et femmes, âgées de plus de 16 ans, ne travaillent ni la nuit, ni le Dimanche."

Deuxième Résolution.—Également divisée en deux termes, savoir :—

1. De 16 à 21 ans ;
2. Au-dessus de 21 ans.

M. Boccardo, Délégué de l'Italie, a renouvelé les réserves qu'il a déjà exprimées et qui l'obligent à émettre un vote négatif sur la Résolution en discussion.

Vote.

Sur le premier terme, de 16 à 21 ans :

Ont voté oui : l'Allemagne, l'Autriche, la Hongrie, le Danemark, la France, la Grande-Bretagne, avec la réserve que le chiffre de onze heures est trop élevé, le Luxembourg, les Pays-Bas, le Portugal, la Suède, la Norvège, et la Suisse, soit douze États.

Ont voté non : la Belgique, l'Italie, soit deux États.

S'est abstenu, l'Espagne.

Sur le deuxième terme, au-dessus de 21 ans :—

Ont voté oui : l'Allemagne, l'Autriche, la Hongrie, la Grande-Bretagne (avec la réserve même que ci-dessus), le Luxembourg, les Pays-Bas, la Suisse, soit sept États.

Ont voté non : la Belgique, l'Espagne, l'Italie, le Portugal, soit quatre États.

Se sont abstenus : le Danemark, la France, la Suède, et la Norvège, soit quatre États.

Il résulte de ce vote que la deuxième Résolution est maintenue telle qu'elle est sortie de la discussion en première lecture.

Troisième, Quatrième, et Cinquième Résolution.—La troisième Résolution a été adoptée à l'unanimité moyennant le remplacement du mot " industries " par " occupations ;" il a été décidé, en outre, sur la proposition de M. Bramsen, Délégué du Danemark, de la placer sous le paragraphe 4, tandis que celui-ci devient le paragraphe 3. Ce dernier, ainsi que le paragraphe 5, sont ensuite adoptés à l'unanimité des pays représentés à la Commission.

Le texte définitif des Résolutions que la Troisième Commission a l'honneur de soumettre à l'adoption de la Conférence, au sujet de la question spéciale traitée dans le présent Rapport, est le suivant :—

Résolutions concernant le Travail des Femmes dans les Établissements Industriels.—(Section V du Programme.)

Il est désirable :—

1. Que les filles et les femmes âgées de plus de 16 ans ne travaillent ni la nuit, ne le Dimanche ;
2. Que leur travail effectif ne dépasse pas onze heures par jour, et qu'il soit interrompu par des repos d'une durée totale d'une heure et demie au moins ;
3. Que des exceptions soient admises pour certaines industries ;
4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses ;
5. Que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement.

Le Rapporteur de la Commission,
(Signé) Dr. KAUFMANN.

Berlin, le 25 Mars, 1890.

(Translation.)

Report of the Commission on Female Labour.

Mr. President and Gentlemen,

THE Commission which you have intrusted with the examination of the questions relating to child labour, labour of the young, and female labour has the honour to present to you, in the form of a summary of its discussions, its Report on this last point, which, by the programme of the labours of the Conference, involves the following questions :—

"1. Whether restrictions should be imposed on the night and day work of married women ?

"2. Whether work in factories of all women and girls should be subject to certain restrictions ?

" 3. What restrictions should be recommended in this case ?

" 4. Whether, in certain classes of work, exceptions to the general rules should be provided ; and what should be the nature of these classes ?"

The Delegates of Germany and Switzerland both proposed draft Resolutions, answering, according to their particular views, to the four questions the text of which we have just reproduced.

The German draft was drawn up in these terms :—

" It is desirable :—

" *Questions* 1, 2, *and* 3.

" 1. That women of all ages should work neither at night nor on Sunday ;

" 2. That their actual labour do not exceed eleven hours a-day, and be broken by rests of a total duration of at least two hours ;

" 3. That women after confinement be not admitted to work for four weeks after delivery ;

" 4. That other restrictions be provided for industries of a peculiarly unhealthy or dangerous nature ;

" *Question* 4.

" 5. That an exceptional regulation be admitted for industries in which female labour during the night is indispensable."

As regards the Swiss draft, we do not deem it necessary to reproduce it here, as Dr. Kaufmann, the Delegate of that country, after having stated that the German proposals, although worded in different terms from the Swiss scheme, agreed with the latter in sense and aim, declared that it would be partially withdrawn, with a view of simplifying the labour of the Commission. The Swiss Delegates held to the Resolution proposed by them in answer to Question 4, to the following effect :—

" There is no reason for providing, in certain classes of factories, exceptions to the general rules," and demanded the suppression, in the 2nd paragraph of the German proposal, of the words, " of a total duration of at least two hours."

Senator Boccardo, Italian Delegate, invited the Commission to be good enough to take into consideration the connection existing between the question of female labour and another problem of social economy, which, in his opinion, was of great importance.

In the countries where temporary emigration reached a high figure, it very often happens that men alone go and pass a certain part of the year abroad. During their absence the women have to provide, as far as their wages permit, for the maintenance of their family. If the emigrant is a provident man, he will have some savings, and he will bring a small contribution to his family. But most frequently he will not be in a position on his return to afford them any assistance. Consequently, if the restrictions proposed for limiting the employment of women in different industries are too absolute, a result will be reached entirely opposed to that which is desired ; and instead of bettering the condition of numerous classes, a very serious sacrifice will be imposed on them.

Paragraph 1 *of the German Proposal.*

On the subject of paragraph 1 of the German proposal, Dr. Kaufmann, the Swiss Delegate, wished to know if, by " women of all ages," all persons of the female sex are to be understood.

The German Delegates, from whom the proposal emanates, answered that girls and women over 16 are meant, on which Baron t'Kint de Roodenbeke, Belgian Delegate, declared that he was unable, in these circumstances, to accept the Resolution, because Belgium could only protect workers up to a certain age, and could establish no restrictions as far as adults are concerned. He asked, therefore, that the vote be taken twice for the first German proposal : once respecting girls and women under 21 years of age, and once respecting women above that age. The Commission decided to proceed to the vote separately as Baron t'Kint requested.

M. Santamaria, Spanish Delegate, then declared that he should abstain from voting on this question, although he was in favour of fixing certain restrictions concerning the labour of girls up to their majority ; he is obliged to take this attitude

because, in Spain, persons of the female sex only attained their majority at 23 and not at 21 years of age; he holds that the principle ought to be laid down, but without fixing the age.

Vote.

In conformity with the decision taken on the request of Baron t'Kint, Belgian Delegate, the Commission was summoned to declare its opinion on the two following points :—

"(*a.*) It is desirable that girls and women from 16 to 21 should work neither by night nor on Sundays.

"(*b.*) It is desirable that girls and women above the age of 21 should work neither by night nor on Sundays."

On point (*a*) the Delegations of 13 States voted in the affirmative; 1 (Spain) abstained for the reasons indicated above; the Delegates of Belgium and of Luxemburg, although voting in the affirmative, have made reservations respecting Sundays, as the Constitutions of those countries do not allow any religious festival to be made a day of obligatory rest.

On point (*b*) the Delegates of 7 States answered in the affirmative (namely, Germany, Austria, Denmark, Great Britain, the Netherlands, Sweden, and Switzerland); 6 have answered in the negative (namely, Belgium, Spain, France, Hungary, Italy, and Portugal). The Delegate from Norway abstained.

Paragraph 2 of the German Proposal.

On the motion of the German Delegates, it was resolved that the votes on paragraph 2 should be taken in two parts: "16 to 21 years old," and "under 21 years," as was done in the case of paragraph 1.

M. Santamaria, the Spanish Delegate, moved that the age be not fixed at 21, but that the words be "from 16 years of age to the attainment of their majority," because the protection of the State must extend beyond 21 years in countries where, as in Spain, females do not attain their majority, that is, do not obtain legal charge of themselves, until reaching a greater age.

M. Delahaye, the Delegate for France, made the following declaration :—

"I declare that, in my personal capacity, I am of opinion that the practical duration of the hours of labour of women and girls of all ages should be limited by law in factories, but as I have received definite instructions respecting the labour of adults, I enter a reservation on the matter."

Mr. Scott, Delegate for Great Britain, proposed that the hours of labour for women should not exceed an average of ten hours per day; this system is in force in his country, and gives satisfaction to all; Great Britain reserves the right to abide by it. Should the Commission not accept it, or should it not fix the day's work at a maximum of ten hours, the British Delegates would agree to eleven hours.

Dr. de Schnierer, the Hungarian Delegate, recommends the adoption o f a maximum working day of ten hours; this would allow a woman to give more time to her household duties and to bringing up her children.

The Baron t'Kint, the Belgian Delegate, made the following declaration :—

"Belgium cannot, at present, agree to fix the maximum working day for women or girls of from 16 to 21 years of age at less than twelve hours, interrupted by periods of rest amounting to one and a-half hours at least. It is a fact that the Belgian Law of the 13th December, 1889, gives power to order, by Royal Decree, that the working day for women of that age shall be of less duration than that named; but the King's decision will not be taken for three years; he must, moreover, consult the Councils of Industry and Labour, the Permanent Deputations of the Provincial Councils, and the Superior Council of Health; and further, the maximum working day for women of 16 to 21 years of age may differ according to the nature of the work, or the requirements of factories, professions, or trades.

"In these circumstances, the Belgian Delegate cannot interfere with the freedom of action of the Royal authority by agreeing at present to a maximum number of hours of work less than twelve."

M. Boccardo, the Delegate from Italy, declared that he was disinclined to accept the principle of an average of work per week proposed by the English Delegates, for, in his opinion, both a minimum and a maximum must be fixed.

He also declared that he could not admit a limit of working hours applying to women of all ages; he would only accept that relating to women of less than 21 years of age, and even in that case he thought it necessary to exclude from the limitation the case of women employed in trades which, like the silk trade, required a longer working day at particular seasons. He therefore requests that a provision in this sense be inserted in the Resolutions.

M. Koechlin (Delegate for Germany), supported by the Baron de Plappart (Delegate for Austria), contended for a maximum working day of eleven hours, as against the proposal to reduce it to ten hours. They showed that, in the present state of manufacture and in the present social condition, it is not possible to go so low as ten hours, but that figure might perhaps be reached later.

In reply to a question put by M. Boccardo, M. Koechlin declared that the German Delegates were prepared that exceptions should be made with regard to temporary occupations; but he (M. Koechlin) is of opinion that there is no necessity, in order to deal with this point, to insert any special provision in the Resolutions; it would suffice that note should be taken in the Minutes of the opinion of the Commission. The question should, however, be discussed with paragraph 5. To this M. Boccardo consented.

M. Santamaria (Delegate for Spain) then asked that it should be understood that the Resolutions already voted, or which might afterwards be voted, applied solely to labour in factories.

The President replied that the Commission was of that opinion, and that, to meet the wishes of M. Santamaria, this explanation should be inserted in some form or other in the Commission's Resolutions. It appears in the heading of the decisions taken by the Commission.

Votes.

1. On the words: 16 to 21 years of age, with a reduction of the day to six hours:—

Affirmative votes: Hungary, France, Great Britain, and Portugal; that is four States.

Negative votes: Germany, Austria, Denmark, Italy, Luxemburg, the Netherlands, Sweden, and Norway; that is eight States.

Abstentions: Belgium, Spain, and Switzerland; that is three States.

The result of this vote is that the figure ten hours was accepted by a minority only; that of eleven hours is taken as carried, as well as the words, "16 to 21 years of age."

In these circumstances the Delegates of Great Britain announced that they would not put forward a proposal relating to an average of weekly labour.

2. As to fixing the duration of the periods of rest.

The German Delegates have modified their original proposal to the extent of making the duration of the periods of rest one hour and a-half at least, instead of two hours. This proposal was adopted by a large majority, but Dr. Snyder van Wissenkerke, Delegate for the Netherlands, made the following reservation:—

"As the Netherland law limits the duration of the period of rest to one hour, I accept the proposal to fix the whole duration of the periods of rest at one hour and a-half, only because that duration has been accepted for girls of 16 to 18 years of age."

3. On the expression: below 21 years of age:—

Affirmative votes: Germany, Austria, Hungary, Great Britain, Luxemburg, the Netherlands, and Switzerland; that is seven States.

Negative votes: Belgium, Spain, France, Italy, and Portugal; that is five States.

Abstentions: Denmark, Sweden, and Norway, that is three States.

In consequence of these votes, the second paragraph of the German proposal was taken to have been adopted in form and substance.

Paragraph 3 of the German proposal, respecting women lying in, was adopted unanimously.

Paragraph 4 of that proposal, relating to restrictions in regard to specially unhealthy and dangerous trades, was also adopted by the Commission, but without a vote by States having been taken, such vote not having been demanded.

Paragraph 5. M. Koechlin, Delegate for Germany, wishing to meet a request put forward by M. Boccardo during the discussion of paragraph 2, explained that the exceptions should extend to a prolongation of work by day, when the nature of the trade requires such a prolongation.

M. Boccardo (Delegate for Italy) declared that he was also of this opinion, which tended to permit, in certain cases, a period of work by day longer than ten hours; the words used in this respect with regard to young workers must therefore be made applicable to women as well.

Dr. Kaufmann (Delegate for Switzerland) reminded the Commission of his proposal that exceptions to general rules need not be specially provided for.

M. Koechlin having opposed this proposal, it was, at the request of Dr. Kaufmann, put to the vote in opposition to paragraph 5 of the German proposal; it was rejected by all the Delegates except those of Switzerland, so that paragraph 5 proposed by Germany was considered as adopted in the wide sense resulting from the proposals of MM. Koechlin and Boccardo.

Discussion on the Second Reading of the Resolutions adopted at the first Reading, and drawn up as follows by the Secretary of the Commission.

It is desirable :—

1. That girls and women over 16 years of age work neither at night nor on Sundays;
2. That their actual labour should not exceed eleven hours a-day, and that it be broken by rests of a total duration of at least an hour and a-half;
3. That restrictions be provided for industries of a specially unhealthy or dangerous nature;
4. That exceptions be made for certain industries;
5. That women after childbirth be not admitted to work for four weeks after delivery.

First Resolution.—It was originally admitted that, as in the first reading, the Resolution should be divided into two phrases :—

"Girls and women from 16 to 21," and "girls and women above 21," and that this last phrase should be put to the vote first.

The Portuguese Delegate made the following declaration: "In voting against No. 1 of Section V of the programme, concerning female labour, I obey the provisions of the Portuguese civil law and the instructions of my Government. I should vote for the motion if the doctrine only applied to women below 21 years of age, which is the age of women's majority by Portuguese civil law."

The Belgian, Spanish, French, and Italian Delegates made similar reservations, after which the vote was taken. The result was as follows :—

Second phrase: above 21 years:

The following States voted in the affirmative: Germany, Austria, Great Britain, Luxemburg, the Netherlands, Sweden, and Switzerland: total, seven States.

In the negative: Hungary, Belgium, Spain, Italy, and Portugal, five States.

Abstained: Denmark, France, and Norway, three States.

The second phrase is thus carried by a majority, from which it follows that the Resolution is admitted in its general terms, viz.: "It is desirable that girls and women over 16 years of age should work neither at night nor on Sundays."

Second Resolution.—Also divided into two phrases as follows :—

1. From 16 to 21 years;
2. Above 21 years.

M. Boccardo, Italian Delegate, renewed the reservations already expressed by him, which obliged him to record a negative vote on the Resolution under discussion.

Vote.

On the first phrase, from 16 to 21 years of age:

Voted for: Germany, Austria, Hungary, Denmark, France, Great Britain (with the reservation that the number of hours, eleven, is too high), Luxemburg, the Netherlands, Portugal, Sweden, Norway, and Switzerland, twelve States in all.

Against: Belgium and Italy, two States.

Abstained: Spain.

On the second phrase, above 21:

Voted for: Germany, Austria, Hungary, Great Britain (with the same reservation as above), Luxemburg, the Netherlands, and Switzerland, seven States in all.

Against: Belgium, Spain, Italy, and Portugal, four States.

Abstained: Denmark, France, Sweden, and Norway, or four States. The result of this vote is to keep the second Resolution as it came out of the discussion on the first reading.

Third, Fourth, and Fifth Resolutions.—The third Resolution has been unanimously adopted with the substitution of the word "occupations" for "industries." It has been decided, moreover, on the motion of M. Bramsen, Danish Delegate, to place it under paragraph 4, which becomes paragraph 3. The latter, as well as paragraph 5, are finally unanimously adopted by the countries represented on the Commission.

The definite text of the Resolutions which the Third Commission has the honour to submit for adoption by the Conference, on the subject of the special question treated of in the present Report, is as follows:—

Resolutions concerning the Work of Women in Factories.—(*Section V of the Programme.*)

It is desirable:—

1. That girls and women over 16 should work neither by night nor on Sundays;
2. That their actual labour should not exceed eleven hours a-day, and be interrupted by rests of a total duration of at least one and a-half hours;
3. That exceptions be made for certain industries;
4. That restrictions be provided for peculiarly unhealthy or dangerous occupations;
5. That women after childbirth be not admitted to work for four weeks after their delivery.

The Secretary of the Commission,
(Signed) DR. KAUFMANN.

Berlin, March 25, 1890.

Inclosure 5 in No. 20.

Rapport de la Commission pour la Mise à Exécution des Dispositions adoptées par la Conférence.

M. le Président, Messieurs,

LA Quatrième Commission, chargée de vous proposer les réponses aux questions comprises dans la VI[e] Section du programme de la Conférence Internationale pour la Protection du Travail, a l'honneur de vous communiquer le résultat des discussions qui ont eu lieu dans son sein.

Elle n'a pas hésité à reconnaître toute l'importance du mandat que vous avez bien voulu lui confier, car les propositions visant l'exécution des délibérations de la Conférence auront une influence capitale sur les résultats de la noble initiative prise par Sa Majesté l'Empereur d'Allemagne. Nous devons nous féliciter de ce que tous les États invités soient venus à la Conférence; nous devons encore être satisfaits de ce que toutes les Délégations, sans exception aucune, aient admis que la population ouvrière a droit à la sollicitude de l'autorité publique et des particuliers; nous devons enfin nous réjouir de ce que la plupart des Gouvernements aient reconnu qu'il serait profitable au progrès à réaliser dans la situation des travailleurs, de préparer un accord entre les États, destiné à régler quelques questions concernant le travail dans les fabriques. Les vœux formulés pour le travail dans les mines, le repos du Dimanche, et le travail des femmes et des enfants, bien que subordonnés à des exceptions et à des délais, imposés par la situation particulière de certains pays, doivent être accueillis avec reconnaissance par toutes les personnes ayant à cœur l'amélioration physique, morale, intellectuelle de la population laborieuse.

Mais les vœux exprimés par la Conférence ne sauraient être appréciés à leur juste valeur, si une entente presque générale ne s'était pas établie entre les différents États, pour rechercher le moyen de les mettre à exécution.

La tâche n'était pas facile. Les réunions internationales peuvent se diviser en deux catégories. Dans les unes, les Plénipotentiaires de différents États ont à conclure des Traités, soit politiques, soit économiques, dont l'exécution est garantie par les

principes du droit des gens. Dans l'autre catégorie, on doit faire rentrer les Congrès, dont les membres n'ont pas de vrais pouvoirs et qui s'occupent de l'étude scientifique des questions qui leur sont soumises, plutôt que de la solution pratique et immédiate à leur donner. Notre Conférence, par suite de son programme et de l'attitude de quelques-uns des États qui ont bien voulu y participer a un caractère *sui generis*, car elle ne peut pas arrêter des Résolutions ayant force obligatoire pour les Gouvernements et elle ne doit pas se restreindre non plus à l'étude des côtés scientifiques des problèmes déférés à son examen. Elle ne pouvait pas aspirer au premier de ces deux rôles : elle ne pouvait pas se contenter du second.

Les délibérations que l'on a prises dans les Commissions relativement à toutes les demandes formulées au programme, ont été inspirées par le désir de montrer à la population ouvrière que son sort est placé bien haut dans les préoccupations des Gouvernements ; mais ces délibérations ont dû se plier aussi à d'autres considérations, que nous ne pouvions mettre de côté. En premier lieu, il s'agissait de réunir, dans une même pensée de dévouement à la partie la plus nombreuse et la plus intéressante de la société, tous les États représentés à la Conférence. Il aurait été pénible de ne pas arriver à la proclamation des principes généraux, moyennant lesquels on doit poursuivre la résolution de la partie la plus importante du problème social. Évidemment, il n'était pas possible, dès à présent, de se mettre d'accord sur tous les détails. Mais il était nécessaire d'apprendre au monde que tous les États participant à la Conférence étaient réunis par la même pensée humanitaire. En second lieu, il fallait tenir compte des différences entre la situation politique, sociale, industrielle de chaque pays, et c'est ce que nous avons tâché de faire.

Les travaux de la Quatrième Commission ont été inaugurés par M. le Prince-Évêque de Breslau, notre éminent Président, qui a prononcé le discours suivant :

"Messieurs, il me semble que la Quatrième Commission ait été chargée du travail le plus important de notre Conférence. Il faut donc envisager d'abord le but auquel tend notre illustre assemblée.

"Nous nous sommes réunis ici pour étudier une partie de la question sociale, qui occupe l'attention générale du monde. Il s'agit de faire des concessions et d'introduire des améliorations au profit des classes ouvrières. Mais, Messieurs, si ces concessions et ces améliorations étaient faites sans une étude approfondie et complète et sans en calculer toutes les conséquences, elles seraient inutiles, pour ne pas dire funestes.

"En outre, les questions sociales se lient les unes aux autres et elles sont compliquées par beaucoup d'autres questions, par exemple celles du commerce, du climat, de la législation, &c., que nous avons déjà rencontrées au cours de nos délibérations. Ce n'est donc que par des études prolongées et approfondies que les vérités sociales et économiques se dégageront du chaos des idées de réforme qui s'entrechoquent maintenant en tout sens.

"Ainsi, il me semble que la tâche principale que la Conférence s'est donnée est une étude loyale, sincère, et internationale des questions sociales.

"C'est dans le même sens qu'il faut interpréter les deux questions qui nous ont été proposées dans notre programme sous le No. VI.

"Deux projets de réponse ont été déposés, l'un par M. le Délégué de la Suisse, et l'autre par nos Délégués Allemands."

Les questions du programme, auxquelles nous devions répondre, étaient formulées de la manière suivante :—

"1. Devra-t-on prendre des mesures en vue de l'exécution des dispositions à adopter par la Conférence—et de la surveillance de ces mesures ?

"2. Y a-t-il lieu de prévoir des réunions réitérées en Conférence de Délégués des Gouvernements participants—et sur quels points leurs délibérations devraient-elles porter ?"

La Commission s'est trouvée en présence de deux propositions : l'une émanant des Délégués de l'Allemagne, l'autre de ceux de la Suisse.

Voici la proposition Allemande, telle qu'elle était formulée d'abord :—

"I. Pour le cas où les Gouvernements donneraient suite aux propositions de la Conférence, les mesures suivantes se recommanderaient comme indispensables :—

1. L'exécution des principes sur lesquels l'accord a été établi, sera surveillée par un nombre suffisant de fonctionnaires spécialistes nommés *ad hoc* et dont la position devra

être telle qu'elle leur assure une indépendance parfaite aussi bien vis-à-vis des patrons que des ouvriers.

2. Les observations de ces fonctionnaires, quant à l'exécution des principes dont il s'agit, seront déposées dans des Rapports Annuels destinés à être publiés.

3. Tous les États respectifs, en suivant certaines règles sur lesquelles une entente devra être établie, procéderont périodiquement à des relevés statistiques, quant aux questions visées par les propositions de la Conférence.

4. Les États participants échangeront entre eux d'une manière suivie :—

(*a.*) Les prescriptions qu'ils auront émises par voie législative ou administrative, en vue de l'exécution des principes adoptés ;

(*b.*) Les Rapports Annuels des fonctionnaires (voir le No. 2) ;

(*c.*) Les relevés statistiques (voir le No. 3).

II. Il est désirable que périodiquement, dans des intervalles dont la détermination reste réservée à une Résolution à prendre, les Délegués des États participants se réunissent en Conférence, afin de se comminiquer réciproquement les observations que l'exécution des principes adoptés leur aura suggérées et afin de délibérer sur l'opportunité de les modifier ou compléter."

La proposition faite par M. Blumer au nom de la Suisse était ainsi conçue :—

"Des mesures doivent être prises en vue de l'exécution des dispositions adoptées par la Conférence.

"Il y a lieu de prévoir, à cet effet, que les États qui se seront mis d'accord sur certaines dispositions, concluront des arrangements obligatoires ; que l'exécution de tels arrangements aura lieu par la législation nationale, et que si cette législation n'est pas suffisante, elle devra recevoir les compléments nécessaires.

"Il y a aussi lieu de prévoir la création d'un organe spécial pour la centralisation des renseignements à fournir, la publication régulière de données statistiques, et l'exécution des mesures préparatoires pour les Conférences prévues au paragraphe 2 du programme.

"Il y a lieu de prévoir des Conférences périodiques de Délégués des Gouvernements ; ces Conférences auront pour tâche principale de développer les arrangements convenus et du résoudre les questions qui auraient soulevé des difficultés ou contestations."

Dès que la discussion générale a été ouverte sur ces propositions, les Délégués de la Grande-Bretagne ont proposé d'écarter la formule présentée par la Suisse. Dans leur pensée, une Convention Internationale sur cette matière ne saurait prendre la place de législation particulière à chaque pays. Le Royaume-Uni n'a consenti à intervenir à la Conférence, que sous la condition d'éliminer une telle éventualité. Même si les hommes d'État de la Grande-Bretagne avaient la volonté de contracter des liens internationaux relativement à la réglementation du travail des fabriques, ils n'en auraient pas le pouvoir. Il leur est défendu de mettre leurs lois industrielles à la discrétion d'un Pouvoir étranger. A leur avis, la Résolution proposée par l'Allemagne est plus pratique et, avec quelques changements, elle pourrait être acceptée.

Les Délégués de la Suisse, à leur tour, ont fait la déclaration suivante, que nous reproduisons textuellement :—

"'M. Blumer estime qu'il est non seulement désirable, mais nécessaire, de prendre quelques mesures d'exécution, et de répondre par conséquent dans un sens affirmatif à la question contenue à ce sujet dans le programme des travaux de la Conférence.'

"Ce qu'il y aurait, à son avis, de plus simple et de mieux à faire à cet égard, serait de créer un organe spécial pour la centralisation des renseignements à fournir aux divers États, la publication régulière de données statistiques, et l'exécution des mesures préparatoires pour les futures Conférences.

"La proposition de l'Allemagne ne dit pas à quelles époques ou intervalles de nouvelles Conférences devraient avoir lieu ; elle ne fixe pas non plus les conditions qui doivent exister pour qu'il soit nécessaire d'en tenir, ni par qui elles devront être convoquées.

"L'orateur ne doute pas que, de toutes parts, on n'ait la meilleure volonté de continuer à marcher dans la voie où nous venons d'entrer ; les Résolutions de cette première Conférence ne peuvent évidemment être considérées que comme un premier pas, qui sera bientôt suivi d'un second, puis d'un troisième pas. M. Blumer ne méconnaît pas les difficultés que rencontrent quelques États pour marcher avec ceux

qui possèdent déjà une législation ouvrière avancée ; mais il a déjà été tenu compte de ces difficultés dans une certaine mesure, et il est incontestable que ces États mêmes ressentiront toujours davantage la nécessité d'une réglementation uniforme.

"Si, aujourd'hui, la Commission envisageait que les propositions de la Suisse vont encore trop loin, M: Blumer désirerait que la discussion ait lieu sur les bases de celles de l'Allemagne, mais que ces dernières ne fussent en aucune manière affaiblies."

Le Délégué de l'Autriche a suggéré de bien préciser, au No. 1 de la formule Allemande à laquelle il se rallie, que la surveillance sur l'exécution des mesures prises pour réaliser les vœux de la Conférence est réservée exclusivement au Gouvernement de l'État, et que nulle immixtion d'un Pouvoir étranger n'est admise ; à cet effet, il souhaite qu'après les mots, "sera surveillée," on insère les suivants : "dans chaque État."

Le Délégué de la Belgique n'a pas fait objection à l'esprit qui anime la proposition Allemande ; toutefois, il doit subordonner son acceptation à plusieurs changements secondaires. Tout d'abord, il pense qu'il est opportun, pour maintenir leur vrai caractère aux délibérations de la Conférence, de ne pas employer le mot de "propositions," mais de le remplacer par "vœux" ou "travaux." Il ne croit pas convenable non plus de parler de mesures "indispensables," en préjugeant trop les Résolutions des différents Gouvernements. Quant à l'échange de documents concernant la question dont il s'agit, le Délégué de la Belgique fait remarquer que l'obligation imposée à chaque Gouvernement de communiquer aux autres les Rapports des fonctionnaires chargés de la surveillance, peut donner lieu à des inconvénients. Il préférerait de prescrire seulement la communication de ces Rapports par extrait. En outre, le Délégué Belge rappelle à ses collègues que la Commission a admis que les différents États pouvaient poursuivre la réalisation des vœux de la Conférence, non pas seulement par voie législative ou administrative, mais encore par des mesures dues à l'initiative privée. Partant, il désire que les Gouvernements s'engagent à se communiquer réciproquement les mesures provenant de cette initiative. En outre, il a conçu des doutes sur la possibilité de procéder aux relevés statistiques, visés par le No. 3, suivant des règles communes. Enfin, le Délégué de la Belgique demande que la réponse à la Question II du programme soit modifiée de façon à prévoir une nouvelle réunion de la Conférence, mais non à reconnaître, dès aujourd'hui, la nécessité de convocations périodiques. La nouvelle Conférence aura à statuer sur l'utilité d'une réunion ultérieure, et cette question ne doit pas être préjugée. Il serait, en outre, difficile de démontrer que la périodicité des Conférences soit profitable.

Les Délégués de l'Italie ne peuvent pas accepter la proposition Suisse, telle qu'elle est formulée, et ils font observer que la déclaration relative à la création d'un Bureau Central du Travail, n'étant pas comprise dans le programme, leur Gouvernement n'a pas été en mesure de leur donner des instructions sur ce point. Par contre, sauf quelques changements de rédaction, ils peuvent se rallier à la proposition Allemande. Mais, tout en reconnaissant que le vœu formulé relativement à l'inspection des fabriques est pratique, car, sans une organisation vraiment technique de la surveillance on ne pourrait obtenir les résultats poursuivis par la Conférence, ils ont quelques objections à soumettre à leur collègues par rapport au No. 1 de la proposition. Ils reconnaissent que l'inspection des manufactures doit être dirigée par des fonctionnaires spéciaux et non pas confiée à la police générale ; mais ils ne peuvent admettre que tous les inspecteurs, même dans les districts agricoles où l'industrie manufacturière n'a quelquefois qu'une importance minime, doivent être uniquement chargés de cette tâche.

Les Délégués Italiens, qui ont plusieurs fois recommandé à la Conférence de combiner dans ses vœux l'initiative privée avec l'œuvre de la loi, se rangent bien volontiers avec les Délégués Belges à la proposition concernant la communication des documents, qui se rapportent à cette initiative. Toutefois, ils doivent remarquer que l'on ne pourrait prendre à cet égard un engagement aussi formel et aussi général que celui relatif aux pièces émanant de l'administration publique : car, ces documents, provenant de particuliers, ne sont pas toujours à la disposition des différents Gouvernements.

Les Délégués des Pays-Bas déclarent qu'ils ne peuvent admettre la proposition suivant laquelle les Rapports des fonctionnaires, désignés au No. 1, devraient être communiqués aux autres Gouvernements, si la portée de cet engagement n'était pas mieux précisée. La loi Hollandaise prescrit aux Inspecteurs de remettre chaque année un Rapport au Ministre, et le Ministre, à son tour, doit communiquer ces

Rapports aux États Généraux, soit *in extenso*, soit en résumé. Il ne serait pas possible de contracter avec les Gouvernements étrangers une obligation plus étendue que celle imposée relativement à la représentation nationale.

Les Délégués du Danemark approuvent entièrement la formule Allemande. Ils se bornent à faire remarquer que toute objection concernant la communication des Rapports des Inspecteurs sera écartée s'il est bien entendu qu'il ne s'agit que des pièces dûment publiées.

M. Jules Simon, Délégué de la France, déclare que ses collègues et lui n'ont aucune objection à formuler contre le fond des propositions de l'Allemagne en réponse à la première question, d'autant moins que le corps d'Inspecteurs, dont ces propositions réclament la création, existe déjà en France. Mais les instructions données à la Délégation Française lui interdisent d'adhérer à un vœu qui, directement ou indirectement, paraîtrait donner une force exécutoire immédiate aux autres vœux formulés par la Conférence ; il se verra donc dans la nécessité de s'abstenir sur toutes les questions soumises à la Quatrième Commission.

M. Tolain ajoute qu'en effet le Gouvernement Français a toujours et exclusivement considéré la réunion de la Conférence comme un moyen de faire une enquête sur la condition du travail dans les États participants et sur les vœux de l'opinion à cet égard, mais qu'il n'a nullement entendu en faire, au moins pour le moment, le point de départ d'engagements internationaux. Le Protocole de Clôture sera soumis au Gouvernement de la République, qui verra alors s'il lui convient d'ouvrir une négociation par la voie diplomatique. Quant à présent, les Délégués Français ne font point d'opposition aux propositions Allemandes sur la première question ; ils auraient, il est vrai, des réserves à formuler sur la seconde ; Mais ils s'abstiendront dans les deux cas.

Le Délégué Luxembourgeois accepte la proposition de l'Allemagne, surtout en raison de ce que le système d'inspection existe dans la législation de son pays.

Les Délégués de l'Allemagne, en maintenant l'ensemble de la proposition, qui du reste a été accueillie si favorablement par leurs collègues, sont disposés à satisfaire, moyennant certaines modifications de rédaction, la plupart des désirs qui ont été exprimés. Ils attachent beaucoup d'importance à recommander une bonne organisation du service d'inspection, mais ils consentent à remplacer les mots : " fonctionnaires spécialistes nommés *ad hoc*," par les expressions suivantes, " fonctionnaires spécialement qualifiés." Relativement aux Rapports des Inspecteurs, les Délégués Allemands tiennent à remarquer que l'accord proposé ne constitue pas une innovation ; car, dans d'autres circonstances, et, pour rappeler un exemple, dans la Convention relative au *phylloxera*, les différentes Puissances ont pris un engagement analogue. Toutefois, ils sont prêts à souscrire à l'explication donnée par les Délégués Danois. Selon l'avis des Délégués Allemands, il est à souhaiter que les statistiques du travail soient dressées d'après un même modèle ; mais ils sont disposés à subordonner l'application de ce principe aux exigences particulières de chaque État. Quant aux Conférences futures, les Délégués de l'Allemagne expliquent que, dans leur pensée, il ne s'agit pas de renouveler la Conférence actuelle, mais de prévoir d'autres réunions de Délégués des États. Le mot " périodiquement " peut être supprimé, bien qu'il ne vise pas des convocations à intervalles réguliers, prévus dès à présent. Enfin, les Délégués de l'Allemagne reconnaissent que les déclarations faites par les Délégués de la France, de l'Angleterre, et de la Belgique sont entièrement conformes aux réserves, par lesquelles les Gouvernements respectifs ont fait précéder leur adhésion à la Conférence.

La discussion étant close, la Commission est appelée à se prononcer, en première lecture, d'abord sur la partie suivante de la proposition :—

" I. Pour le cas où les Gouvernements donneraient suite aux travaux de la Conférence, les dispositions suivantes se recommanderaient . . . ."

Les États suivants répondent oui :—l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

Suit le No. 1 : " L'exécution des mesures qui seraient prises dans chaque État, sera surveillée par un nombre suffisant de fonctionnaires, spécialement qualifiés, nommés par le Gouvernement du pays, et indépendants aussi bien des patrons que des ouvriers."

Les États suivants répondent oui :—l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

Le No. 2 est mis aux voix avec la formule ci-après :—

"Les Rapports Annuels de ces fonctionnaires, publiés par les Gouvernements des divers pays, seraient communiqués par chacun d'eux aux autres Gouvernements."

Les États suivants répondent oui : l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

Le No. 3 est voté avec cette formule :—

"Tous les États respectifs procéderont périodiquement et, autant que possible, dans une forme semblable, à des relevés statistiques, quant aux questions visées dans les délibérations de la Conférence."

Les États suivants répondent oui : l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

On arrive au No. 4 ainsi conçu : "Les États participants échangeraient entre eux ces relevés statistiques, ainsi que le texte des prescriptions émises par voie législative ou administrative, et se rapportant aux questions visées dans les délibérations de la Conférence."

Les États suivants répondent oui : l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

La première partie de la réponse à la deuxième question du programme est mise aux voix dans les termes suivants :—

"Il est désirable que, dans les intervalles dont la détermination reste réservée à une Résolution à prendre par les Gouvernements respectifs, des Délégués des États participants se réunissent en Conférence . . . ."

Les États suivants répondent oui : l'Allemagne, l'Autriche, la Hongrie, le Danemark, l'Italie, le Luxembourg, le Portugal, la Suède, et la Suisse.

Ont répondu non : la Belgique, la Grande-Bretagne, les Pays-Bas. La France s'abstient.

La seconde partie de la réponse à la question II du programme est votée dans la forme suivante :—

" . . . . afin de se communiquer réciproquement les observations que les suites données aux délibérations de la Conférence auront suggérées et afin de délibérer sur l'opportunité de les modifier ou de les compléter."

Les États suivants répondent oui : l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, et la Suisse.

La France et la Suède s'abstiennent.

En passant à la seconde lecture Mgr. le Prince-Evêque, Président, prie la Commission de ne plus s'arrêter aux questions de fond, mais de tâcher seulement d'améliorer la rédaction de ses délibérations.

Quelques modifications sont proposées et discutées, et les Délégués Allemands, surtout dans le but de rallier aux vœux proposés l'adhésion de la Grande-Bretagne et de la Belgique, présentent une nouvelle formule de la première partie de la réponse à la Question II du programme, concernant les Conférences ultérieures.

Ainsi, sont successivement votées toutes les Résolutions proposées à la Commission, et le texte en est arrêté de la manière suivante :—

"1. Pour le cas où les Gouvernements donneraient suite aux travaux de la Conférence les dispositions suivantes se recommandent :—

"(*a.*) L'exécution des mesures prises dans chaque État sera surveillée par un nombre suffisant de fonctionnaires spécialement qualifiés, nommés par le Gouvernement du pays et indépendants des patrons aussi bien que des ouvriers.

"(*b.*) Les Rapports Annuels de ces fonctionnaires, publiés par les Gouvernements des divers pays, seront communiqués par chacun d'eux aux autres Gouvernements.

"(*c.*) Chacun de ces États procédera périodiquement et, autant que possible, dans une forme semblable, à des relevés statistiques, quant aux questions visées dans les délibérations de la Conférence.

"(*d.*) Les États participants échangeront entre eux ces relevés statistiques, ainsi que le texte des prescriptions émises par voie législative ou administrative et se rapportant aux questions visées dans les délibérations de la Conférence.

"II. Il est désirable que les délibérations des États participants se renouvellent afin de se communiquer réciproquement les observations que les suites données aux délibérations de la présente Conférence auront suggérées et afin d'examiner l'opportunité de les modifier ou de les compléter."

Ce texte est approuvé, dans les votes successifs de la deuxième lecture, par les Délégués des États suivants : l'Allemagne, l'Autriche, la Hongrie, la Belgique, le Danemark, l'Espagne, la Grande-Bretagne, l'Italie, le Luxembourg, les Pays-Bas, le Portugal, la Suède, et la Suisse.

Les Délégués Français s'abstiennent.

Nous avons donc l'honneur de soumettre à la Conférence Plénière les délibérations que nous venons de rapporter, et nous constatons, avec une sincère satisfaction, l'accord presque unanime auquel ont abouti les travaux de la Commission, grâce à la sage direction que notre éminent Président a su leur imprimer, et à l'esprit de conciliation qui a dominé les débats. Et, puisque nos efforts devaient tendre surtout à réunir dans une pensée commune tous les États représentés à la Conférence, il nous sera permis de remarquer que l'abstention des Délégués de la France ne les a pas empêchés de s'associer à leurs collègues, dans les vœux tendant à améliorer la situation de la population ouvrière. Ce noble but, proposé dans sa haute sagesse par Sa Majesté l'Empereur d'Allemagne sera atteint, nous n'en doutons pas, et la Conférence de Berlin de 1890 pourra revendiquer l'honneur d'avoir pris l'initiative d'une œuvre de civilisation et de paix sociale.

Le Rapporteur de la Quatrième Commission,
(Signé) V. ELLENA.

(Translation.)

Report of the Commission for carrying out the Provisions adopted by the Conference.

Mr. President and Gentlemen,

THE Fourth Commission, charged to propose to you the answers to the questions comprised in the VIth Section of the programme of the International Conference for the Protection of Labour, has the honour to communicate to you the result of the discussions which have taken place.

It has not hesitated to recognize the full importance of the mandate which you have been good enough to intrust to it, for the proposals which aim at carrying out the deliberations of the Conference will have a supreme influence on the results of the noble initiative taken by His Majesty the Emperor of Germany. We must congratulate ourselves that all the States invited have attended the Conference; we should also rejoice that the Delegates of all the States, without a single exception, have admitted that the working population has a right to the solicitude of public authority and individuals; we ought, finally, to rejoice that the majority of Governments has recognized that it would assist the improvement to be made in the labourers' condition to prepare an agreement between the States which may solve some questions relative to work in factories. The proposals formulated for work in mines, for the Sunday rest, and the labour of women and children, although subject to exceptions and delays imposed by the peculiar position of certain countries, should be received with gratitude by all persons having at heart the physical, moral, and intellectual amelioration of the working population.

But the wishes expressed by the Conference could not be appreciated at their right value had not an almost general understanding been come to between the different States for seeking means to put them into force.

The task was no easy one. International Conferences may be divided into two categories. In the first, the Plenipotentiaries of different States have to conclude Treaties, either political or economic, the execution of which is guaranteed by the principles of international law; in the second category, the Conferences must be summoned twice for their members have no actual powers, and give their attention to

the scientific study of the questions submitted to them, rather than to their practical and immediate solution. Our Conference, from the nature of its programme, and the attitude of some of the States good enough to take part in it, has a character of its own, for it cannot pass Resolutions binding on the Governments, nor may it restrict itself to studying the scientific sides of the problems submitted to its examination. It could not aspire to the first of these parts: it could not rest content with the second.

The considerations which have been admitted in the Commissions relative to all the questions contained in the programme have been inspired by the desire of showing the working population that their lot occupies a high place in the attention of the different Governments, but these considerations have had necessarily to bend to others which we cannot put aside. In the first place, there was the wish to unite all the States represented at the Conference in the same sentiment of devotion to the most numerous and most interesting portion of society. It would have been grievous not to arrive at the promulgation of general principles by means of which the solution of the most important half of the social problem should be attempted. It was evidently not possible to arrive at once at an agreement on all its details. But it was necessary to show the world that all the States taking part in the Conference were met in the same motives of humanity. In the second instance, it was necessary to take into consideration the differences between the political, social, and industrial situation of each country, and that is what we have attempted to do.

The labours of the Fourth Commission were inaugurated by the Prince Bishop of Breslau, our eminent President, who spoke as follows:—

"Gentlemen, it seems to me that the Fourth Commission has been intrusted with the most important task in our Conference. We must begin by looking at the goal to which our illustrious assembly is moving.

"We are met here to study part of the social question which engages the general attention of the world. The question is one of concessions to be made and improvements to be introduced for the advantage of the working classes. But, gentlemen, if these concessions and improvements were made without a profound and complete study of the question, and without calculating all its consequences, they would be useless, not to say disastrous.

"Moreover, the different social questions are closely connected with one another, and they are complicated by many other questions, such as those of commerce, climate, legislation, &c., which we have already met with in the course of our deliberations. It is therefore only by prolonged and deep study that social and economic truths will disengage themselves from the chaos of ideas of reform which are now clashing with each other in all directions.

"It seems to me, therefore, that the chief task which the Conference has undertaken is a serious, sincere, international study of social questions.

"It is in the same sense that we must interpret the two questions which have been proposed to us in our programme under No. VI.

"Two draft answers have been proposed, one by the Swiss Delegates, the other by our German Delegates."

The questions on the programme to which we had to reply were formulated in the following manner:—

"1. Whether steps should be taken to put in force the provisions adopted by the Conference, and to provide for their supervision?

"2. Whether future meetings of the Delegates of the different Governments should take place, and what questions should engage their attention?"

The Commission found itself in presence of two proposals, one emanating from the German Delegates, the other from those of Switzerland.

This is the German motion, as it was originally brought forward:—

"I. In case the Government should give effect to the proposals of the Conference, the following measures would be recommended as indispensable:—

"1. The carrying out of the principles on which an agreement was arrived at shall be superintended by a sufficient number of special functionaries, nominated *ad hoc*, whose position must be such as to insure them a complete independence of employers as well as of workmen.

"2. The observations of these functionaries respecting the execution of the principles in question shall be drawn up in Annual Reports destined for publication.

"3. All the respective States, following certain rules, for which an understanding will have to be arrived at, will proceed periodically to publish Statistical Reports with respect to the questions included in the proposals of the Conference.

"4. The States interested shall exchange among themselves regularly:—

"(*a.*) The provisions that they may have passed by legislative or administrative means in view of the carrying out of the principles adopted;

"(*b.*) The Annual Reports of the functionaries (see No. 2);

"(*c.*) The statistics (see No. 3).

"II. It is to be desired that periodically, at intervals, the duration of which must be fixed by a Resolution, the Delegates of the interested States should meet again, in order to communicate to one another the observations suggested to them by the execution of the principles adopted, and in order to deliberate on proposals for modifying or completing them."

The proposal made by M. Blumer in the name of Switzerland was drawn up as follows:—

"Measures should be taken in view of carrying out the provisions adopted by the Conference.

"It may be foreseen on this point that the States which have arrived at an agreement on certain measures will conclude an obligatory arrangement; that the carrying out of such arrangement will take place by national legislation, and that if this legislation is not sufficient it will have to receive the necessary additions.

"It is also safe to predict the creation of a special organ for centralizing the information furnished, for the regular publication of statistical Returns, and the execution of preparatory measures for the Conferences anticipated in paragraph 2 of the programme.

"Periodical Conferences of Delegates of the different Governments may be anticipated. The principal task of these Conferences will be to develop the arrangements agreed on and to solve the questions giving rise to difficulty or opposition."

On the opening of a general discussion on these proposals, the Delegates of Great Britain proposed to set aside the draft presented by Switzerland. In their opinion an International Convention on the subject could not take the place of legislation peculiar to each country. The United Kingdom only consented to take part in the Conference on condition of this position being rejected. Even if the statesmen of Great Britain had the wish to contract international obligations relative to the regulation of work in factories, they would have no power to do so. They are forbidden to put their industrial laws at the discretion of a foreign Power. In their opinion the Resolution proposed by Germany is more practical, and might be accepted with a few alterations.

The Swiss Delegates made the following declarations, which we reproduce word for word:—

"'M. Blumer considers that it is not only desirable but necessary to take some measures of execution, and, consequently, to answer in the affirmative the question on the subject contained in the programme of the labours of the Conference.'

"The best and simplest measures to take on this question would be the creation of a special organ for centralizing the information to be furnished to the different States, the regular publication of statistical Returns, and the execution of measures preparatory to future Conferences.

"The proposal of Germany does not mention on what occasions, or at what intervals of time, the new Conferences should take place; nor does it fix the conditions which should exist to make it necessary to hold any Conferences, nor by whom they ought to be summoned.

"M. Blumer has no doubt that the best intentions exist on every side to continue to proceed along the path which we have just entered on; the Resolutions of this first Conference can evidently only be considered as a first step, which will shortly be followed by a second and then by a third. M. Blumer does not fail to recognize the difficulties met with by some States in keeping pace with those which already possess advanced labour legislation; but these difficulties have already been, to a certain extent, considered, and it is incontestable that these States themselves will ever feel more and more the necessity of uniform regulations.

"Should the Commission now conclude that the proposals of Switzerland reach too far, M. Blumer would wish for the discussion to be held on the basis of the German proposals, and that the latter be in no way weakened."

The Austrian Delegate suggested to define clearly in No. 1 of the German draft, which he supports, that the superintendence of the carrying out of the measures taken to realize the proposals of the Conference is exclusively reserved to the Governments of the States, and that no interference of a foreign Power is permitted; for this object he proposes that after the words, "shall be superintended," the following words, "in every State," be inserted.

The Belgian Delegate made no objection to the spirit which animates the German proposal, yet he must make his acceptance dependent on several secondary alterations. First of all, he considers it advisable, in order that the deliberations of the Conference may keep their true character, not to employ the word "proposals," but to substitute for it, "wishes," or "labours." Nor does he consider it fitting to speak of "indispensable" measures, which would be settling in advance the Resolutions of the different Governments. As for the exchange of documents concerning the question before the Commission, the Belgian Delegate observes that the obligation imposed on each Government to communicate to the others the Reports of the functionaries charged with the supervision might give rise to inconvenience. He would prefer only to provide for the communication of these Reports by extract. Moreover, the Belgian Delegate reminds his colleagues that the Commission has admitted that the different States could give effect to the wishes of the Conference, not only by legislative or administrative means, but also by measures due to private initiative; and therefore he wishes that the Governments should pledge themselves to communicate to one another the measures resulting from this initiative. Moreover, he has doubts as to the possibility of publishing the statistical Returns proposed in No. 3, following the ordinary rules. Finally, the Belgian Delegate asks that the answer to Question II of the programme be modified in such a way as to provide for a new meeting of the Conference, but not to recognize on this occasion the necessity of periodical convocations. The new Conference will have to decide on the advisability of a subsequent meeting, and this question ought not to be decided beforehand. It would be difficult, moreover, to prove that the periodical recurrence of the Conference is profitable.

The Italian Delegates cannot accept the Swiss proposal as it is formulated, and they remark that the declaration relative to the establishment of a Central Labour Bureau not being included in the programme, their Government has not been in a position to give them instructions on the point. On the other hand, with the exception of some alterations of wording, they can support the German proposal. But while fully recognizing that the motion relative to the inspection of factories is practical, as without a thoroughly technical organization of supervision the results aimed at by the Conference could not be attained, they have several objections to submit to their colleagues with reference to No. 1 of the proposal. They recognize that the inspection of manufactories should be carried out by special functionaries and not intrusted to the general police, but they cannot admit that the Inspectors, even in agricultural districts, where the manufacturing industry has sometimes only a very slight importance, should be alone intrusted with this task.

The Italian Delegates, who have several times recommended the Conference to combine in their proposals private initiative with the action of the law, agree with great willingness with the Belgian Delegates in their proposal concerning the communication of the document referring to this matter. They must, however, remark that it is impossible to enter on any engagement as formal and general as that relating to the papers and Returns belonging to the public administration, for these documents, often originating from private individuals, are not always at the disposal of the different Governments.

The Delegates of the Netherlands declare their inability to assent to the proposal, in accordance with which the Reports of the functionaries mentioned in No. 1 would be communicated to the other Governments, unless the range of this engagement were more exactly defined. The law of Holland directs Inspectors to make a Report every year to the Minister, and the Minister in his turn ought to communicate these Reports to the States-General, whether *in extenso* or a summary of them. It would be impossible to contract a wider obligation with foreign Governments than that imposed in regard to the national representatives.

The Danish Delegates entirely approve the German draft. They confine themselves to remarking that all objections as to communicating the Reports of

Inspectors will be removed if it is quite understood that it only refers to documents duly published.

M. Jules Simon, French Delegate, states that he and his colleagues have no objection to make to the principle of the German proposals in reply to the first question, and the less so because the body of Inspectors who are to be created by these proposals already exists in France. But the instructions given to the French Delegates forbid them to indorse any Resolution which either directly or indirectly would appear to give immediate executive force to the other Resolutions formulated by the Conference; he would therefore be obliged to reserve himself on all the questions submitted to the Fourth Commission.

M. Tolain adds that it is true that the French Government had always considered the meeting of the Conference exclusively as a means of inquiring into the condition of labour in the States concerned, and into the state of opinion in respect to it, but that they by no means intended to make it, at any rate for the present, the point of departure for international engagements. The Protocol at the close (of the Conference) will be submitted to the Government of the Republic, who will then be able to judge whether to open diplomatic negotiations. For the present, the French Delegates make no objection to the German proposals on the first question; they would have, it is true, some reservations to make on the second; but they will abstain on both questions.

The Delegate from Luxemburg accepts the German proposal, especially having regard to the fact that the system of inspection exists in the legislation of his country.

The German Delegates, whilst maintaining the entirety of the proposal, which, indeed, had been so favourably received by their colleagues, are disposed to satisfy the majority of the wishes which have been expressed by making a few modifications in the wording. They attach great importance to recommending a good organization of the service of inspection, but they agree to substitute for the words, "special officials appointed *ad hoc*," the following expression: "specially qualified officials." With regard to the Inspectors' Reports, the German Delegates have to remark that the agreement proposed does not constitute an innovation; since, under other circumstances, and, to cite an example, in the Convention relative to *phylloxera*, the different Powers made a similar agreement. Still, they are ready to subscribe the explanation given by the Danish Delegates. According to the opinion of the German Delegates, it is to be hoped that the labour statistics will be drawn up in accordance with one model; but they are disposed to make the application of this principle subject to the particular exigencies of each State. As for future Conferences, the German Delegates explain that, in their opinion, it is not a question of renewing the Conference itself, but of providing for other meetings of the Delegates of the various States. The word "periodically" may be suppressed, although it only contemplates meetings at regular intervals, provided for at present. Lastly, the German Delegates recognize that the declarations made by the Delegates of France, England, and Belgium are entirely in conformity with the reservations which the respective Governments made before declaring their willingness to attend the Conference.

The discussion closed, the Commission was summoned to declare its opinion on the first reading, and, firstly, on the following portion of the proposal:—

"I. In case the Governments should give effect to the labours of the Conference, the following provisions would be recommended. . . ."

The following States reply in the affirmative: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstained.

Then on No. 1: "The carrying out of the measures which may be taken in each State shall be supervised by a sufficient number of functionaries, specially qualified, and nominated by the Government of the country, and alike independent of employers and workmen."

The following States reply in the affirmative: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstained.

No. 2 is put to the vote in the following form:—

"The Annual Reports of these functionaries, published by the Governments

of the various countries, would be communicated by each of them to the other Governments."

The following States answer yes: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstain.

No. 3 is voted in the following form:—

"All the respective States shall proceed periodically, and, as far as possible, in a similar form, to publish statistics regarding the questions included in the deliberations of the Conference."

The following States answer yes: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstain.

No. 4 is worded as follows: "The States interested would exchange among themselves these statistics, as well as the text of the provisions, whether legislative or administrative, having reference to the questions included in the deliberations of the Conference"

The following States answer yes: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstain.

The first part of the reply to the second question of the programme is put to the vote in the following terms:—

"It is desirable that at intervals, the determination of which is reserved for a Resolution to be taken by the respective Governments, the Delegates of the States interested unite in Conference . . . ."

The following States answer yes: Germany, Austria, Hungary, Denmark, Italy, Luxemburg, Portugal, Sweden, and Switzerland.

Answered no: Belgium, Great Britain, the Netherlands.

France abstains.

The second part of the answer to Question II of the programme is voted in the following form:—

". . . . in order to communicate to one another the observations which the effect given to the deliberations of the Conference may suggest, and in order to deliberate on the opportunity of modifying or completing them."

The following States answer yes: Germany, Austria, Hungary, Belgium, Denmark, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Switzerland.

France and Sweden abstain.

Passing to the second reading, Mgr. the Prince Bishop, President, asks the Commission not to stop on questions of principle, but only to try to improve the wording of their Resolutions.

Several modifications are proposed and discussed, and the German Delegates, with the special aim of getting the support of Great Britain and Belgium to the proposed motions, present a new draft of the first part of the answer to Question II of the programme, concerning further Conferences.

All the Resolutions proposed to the Commission are, therefore, successively voted, and the text of them agreed on as follows:—

"I. In case the Government should give effect to the labours of the Conference, the following provisions are recommended:—

"(*a.*) The carrying out of the measures taken in each State shall be superintended by sufficient number of specially qualified functionaries, nominated by the Government of the country, and independent alike of employers and employed.

"(*b.*) The annual Reports of these functionaries published by the Governments of the various countries shall be communicated by each of them to the other Governments.

"(*c.*) Each of these States shall proceed periodically, and as far as possible in a similar form, to publish statistics on the questions included in the deliberations of the Conference.

"(*d.*) The States taking part in the Conference shall exchange among them these statistics as well as the text of the provisions, either legislative or administrative, which have reference to the questions included in the deliberations of the Conference.

"II. It is desirable that the deliberations of the States taking part in the Conference should be renewed, in order to communicate to one another the observations suggested by the effect given to the deliberations of the present Conference, and in order to consider whether they require modification or completion."

This text is approved in the successive votes on the second reading by the Delegates of the following States: Germany, Austria, Hungary, Belgium, Denmark, Spain, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland.

The French Delegates abstain.

We have, therefore, the honour to submit to the Plenary Conference the results of the deliberations which we have now reported, and we record with sincere satisfaction the almost unanimous agreement in which the labours of the Commission have terminated, thanks to the wise direction of our eminent President, and to the spirit of conciliation which has ruled the debates. And as the aim of our efforts was, above all, to unite in one common intention all the States represented at the Conference, we may be allowed to remark that the abstention of the French Delegates has not prevented them from uniting with their colleagues in the motions which tend to improve the position of the labouring population. This noble aim, proposed, in his exalted wisdom, by His Majesty the Emperor of Germany, will, we do not doubt, be reached, and the Berlin Conference of 1890 will be able to claim the honour of having taken the initiative in a work of civilization and social peace.

The Secretary of the Fourth Commission,
(Signed) V. ELLENA.

No. 21.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 31.)

My Lord, *Berlin, March* 27, 1890.

WE have the honour to inclose copy of Protocol No. 4, and to report that, at the meeting of the Conference to-day, the Resolutions contained in the Reports of the Second and Third Commissions were passed without alteration.

We made declarations at the Conference which defined our position, as stated in our previous despatches and approved by your Lordship.

The First Commission held a meeting at which the following amendments were made to its Report:—

Page 2, question 3 (*d*), after "prévoyance" the words "et de secours, organisées conformément aux mœurs de chaque pays" were inserted.

This, an amendment which the Belgian Delegation had been instructed by telegraph to propose, appeared to us an improvement.

(*e.*) The words "réunis en association" and "et réciproquement" were struck out.

This was done at the urgent instance of the German Government, who appeared to apprehend that the paragraph as it originally stood might cause political embarrassment. As the amendment does not affect the principle of the paragraph itself, we made no objection.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure in No. 21.

Protocole No. 4.—Séance du 26 Mars, 1890.

Étaient présents :

Allemagne—
Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.
M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau.
M. Reichardt, Directeur au Département des Affaires Étrangères.
M. Lohmann, Conseiller Intime Supérieur de Régence.
M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.
M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—
M. le Baron Béla Weigelsperg, Conseiller Impérial et Royal au Ministère du Commerce.
M. le Dr. F. Migerka, Conseiller Impérial et Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
M. le Baron Auguste de Plappart, Conseiller Impérial et Royal au Ministère de l'Intérieur.
M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial et Royal de l'Agriculture.
M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.
M. le Dr. Schulz, Secrétaire de la Délégation d'Autriche-Hongrie.

Belgique—
M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. Victor Jacobs, Ministre d'État, Membre de la Chambre des Représentants.
M. le Baron t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—
M. Tietgen, C. F., Conseiller d'État Intime.
M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
M. Bramsen, L., Directeur de Compagnies d'Assurance.

Espagne—
M. Manuel Fernandez de Castro, Sénateur, Inspecteur-Général des Mines.
M. Santamaria de Paredes, Député et Directeur-Général de l'Instruction Publique.

France—
M. Jules Simon, Sénateur.
M. Tolain, Sénateur.
M. Burdeau, Député.
M. Linder, Vice-Président du Conseil Supérieur des Mines.
M. Victor Delahaye, Ouvrier Mécanicien.
M. Jacquot, Consul-Général de France à Leipzig.
M. Laporte, Inspecteur Divisionnaire du Travail des Enafnts dans les Manufactures.
M. Pellé, Ingénieur des Mines.
M. A. Lebon, Secrétaire de la Délégation Française.

Grande-Bretagne—

The Right Honourable Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.
Mr. T. Burt, Membre du Parlement, Secrétaire de l'Association des Mineurs.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. F. H. Whymper, Inspecteur des Fabriques.
Mr. J. Burnett, Chef de Division au Département du Travail.

Italie—

M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—

M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—

Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—

M. Ernesto Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce.
M. J. P. Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

Suède et Norvège—

M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.
M. le Comte de Wrangel, Secrétaire de la Délégation de Suède et Norvège.

Suisse—

M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

Son Excellence M. le Baron de Beriepsch, après avoir ouvert la séance à 2 heures et demie, annonce qu'une indisposition l'empêche de prendre la direction des débats de ce jour, et demande à M. Magdeburg de vouloir bien occuper le fauteuil de la présidence.

M. Magdeburg fait savoir que Sa Majesté l'Empereur, ayant informé Sa Sainteté Léon XIII du projet de réunion d'une Conférence Internationale à Berlin et du programme qui serait soumis aux délibérations de cette assemblée, lui avait, en même temps, notifié la nomination, comme membre de la Délégation Allemande, de Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau; le Pape a répondu à cette communication par une lettre, dont le Président, pour se conformer au désir exprimé par Sa Sainteté et sur l'ordre même de Sa Majesté l'Empereur, fait connaître les termes à la Conférence:—

"Majesté,

"Nous rendons grâce à votre Majesté de la lettre qu'elle a bien voulu nous écrire pour nous intéresser à la Conférence Internationale, qui va se réunir à Berlin dans le but de chercher les moyens d'améliorer les conditions des classes ouvrières.

"Il nous est agréable, avant tout, de féliciter votre Majesté d'avoir pris tant à cœur une cause aussi noble, aussi digne d'une sérieuse attention et qui intéresse l'univers entier. Cette cause, au reste, n'a cessé de nous préoccuper nous-même, et l'œuvre entreprise par votre Majesté répond à un de nos vœux les plus chers. Déjà, par le passé, comme elle le rappelle, nous avons manifesté nos pensées sur ce sujet et avec notre parole nous avons fait valoir, en sa faveur, l'enseignement de l'Église Catholique, dont nous, comme le Chef, dans une circonstance plus récente nous avons rappelé de nouveau cet enseignement, et pour que ce difficile et important problème soit résolu selon toutes les règles de la justice et que les légitimes intérêts de la classe laborieuse soient dûment sauvegardés, nous avons exposé à tous et à un chacun, y compris les Gouvernements, les devoirs et les obligations spéciales qui leur incombent.

"Sans nul doute, l'action combinée des Gouvernements contribuera puissamment à l'obtention de la fin tant désirée. La conformité des vues et des législations, pour autant du moins que la permettent les conditions différentes des lieux et des pays, sera de nature à avancer grandement la question vers une solution équitable. Aussi ne pourrons-nous qu'appuyer hautement toutes les délibérations de la Conférence, qui tendront à relever la condition des ouvriers; comme, par exemple, une distribution du travail mieux proportionnée aux forces, à l'âge, et au sexe de chacun; le repos du jour du Seigneur et, en général, tout ce qui empêchera que l'on exploite le travailleur comme un vil instrument, sans égard pour sa dignité d'homme, pour sa moralité, pour son foyer domestique.

"Cependant, il n'a pas échappé à votre Majesté que l'heureuse solution d'une question aussi grave requérait, outre la sage intervention de l'autorité civile, le puissant concours de la religion et la bienfaisante action de l'Église. Le sentiment religieux, en effet, est seul capable d'assurer aux lois toute leur efficacité, et l'Évangile est le seul code où se trouvent consignés les principes de la vraie justice, les maximes de la charité mutuelle qui doit unir tous les hommes comme enfants du même Père et membres de la même famille. La religion apprendra donc au patron à respecter dans l'ouvrier la dignité humaine et à le traiter avec justice et équité : elle inculquera dans la conscience du travailleur le sentiment du devoir et de la fidélité et le rendra moral, sobre, et honnête. C'est pour avoir perdu de vue, négligé et méconnu les principes religieux que la société se voit ébranlée jusque dans ses fondements ; les rappeler et les remettre en vigueur est l'unique moyen de rétablir la société sur ses bases et de lui garantir la paix, l'ordre, et la prospérité. Or, c'est la mission de l'Église de prêcher et de répandre dans le monde entier ces principes et ces doctrines. A elle, par conséquent, il appartient d'exercer une large et féconde influence dans la solution du problème social. Cette influence, nous l'avons exercée et nous l'exercerons encore spécialement au profit des classes ouvrières. De leur côté, les Évêques et les pasteurs, aidés de leur clergé, en agiront de même dans leurs diocèses respectifs ; et nous espérons que cette salutaire action de l'Église, loin de se voir contrariée par les pouvoirs civils, trouvera dorénavant chez eux aide et protection. Nous en avons pour garant l'intérêt, d'une part, que les Gouvernements attachent à cette grave question, et, de l'autre, l'appel bienveillant que votre Majesté vient de nous adresser.

"En attendant, nous faisons les vœux les plus ardents pour que les travaux de la Conférence soient féconds en bienfaisants résultats, et répondent pleinement à la commune attente. Et avant de terminer la présente, nous voulons exprimer ici la satisfaction que nous éprouvâmes en apprenant que votre Majesté avait invité à prendre part à la Conférence, en qualité de son Délégué, Mgr. Kopp, Prince-Évêque de Breslau ; il s'estimera certainement très honoré de cette marque de haute confiance que votre Majesté lui donne en cette occasion.

"C'est enfin avec la plus vive satisfaction que nous exprimons à votre Majesté les vœux les plus sincères que nous faisons pour sa prospérité et pour celle de sa famille Impériale.

(Signé) "Leo P. P. XIII.

"*Du Vatican, le* 14 *Mars,* 1890."

Passant ensuite à l'ordre du jour, *le Président* propose à la Conférence d'entendre la lecture des Rapports émanant des Commissions, et fait remarquer que la discussion générale se trouvera simplifiée si MM. les Délégués sont ainsi mis en mesure de présenter leurs observations sur les points communs qui se rencontrent dans les II^e^, III^e^, et IV^e^ Sections du programme.

La parole est donnée à *M. le Landammann Blumer*, Délégué de la Suisse, qui lit un Rapport sur les délibérations de la Commission du Travail du Dimanche.*

* Voir l'Annexe No. 1 (p. 32).

M. le Baron t'Kint de Roodenbeke, Délégué de la Belgique, fait ensuite connaître son Rapport sur les Résolutions adoptées par la Commission du Travail des Enfants et des Jeunes Ouvriers dans les Établissements Industriels.*

M. le Dr. Kaufmann, Délégué de la Suisse, lit son Rapport sur les discussions spéciales auxquelles a donné lieu, dans la même Commission, la question du travail des femmes.†

M. Harzé, Délégué de la Belgique, communique son Rapport concernant les travaux de la Commission des Mines.‡

Le Président annonce que la Délégation de la Belgique demanderait à introduire la modification suivante dans la rédaction du vœu formulé au paragraphe (*d*) de la page 2 du Rapport précédent :—

"Que les institutions de prévoyance et de secours, organisées conformément aux traditions et aux mœurs de chaque pays, et destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse, et de la mort, sont propres à attacher le mineur à sa profession, et doivent être de plus en plus développées."

Il prie, en conséquence, la Commission des Mines de vouloir bien fixer l'heure de la réunion qu'elle aurait à tenir pour cette nouvelle délibération.

Sir John Gorst déclare qu'il lui semblerait irrégulier de renvoyer un Rapport à une Commission sans qu'on ait procédé à une discussion préalable en séance plénière.

M. Hauchecorne s'étonne, de son côté, que la Délégation de la Belgique réclame maintenant une modification à un texte qu'elle approuvait peu d'heures auparavant. Mais après les explications de M. le Baron Greindl, qui fait savoir que de nouvelles instructions de son Gouvernement ne lui sont parvenues qu'après la fin des travaux préparatoires sur la question des mines, et à la demande du Président et de son Excellence M. le Baron de Berlepsch, la Conférence approuve le renvoi à la Commission.

Le Président propose également, au nom de la Délégation Allemande, le renvoi à la Deuxième Commission d'une proposition concernant le repos du Dimanche, et qui consisterait à ajouter à la deuxième question de la page 14 du Rapport le paragraphe suivant :—

"A l'égard des manutentions de réparation et de nettoyage destinées à assurer la continuité usuelle de l'exploitation."

Avec l'assentiment de la Conférence, il indique les heures auxquelles les Commissions dont il s'agit seront convoquées, et annonce que les Rapports lus dans la séance seront distribués dans la soirée.

M. Ellena, Délégué de l'Italie, donne lecture du Rapport de la Commission pour la mise à exécution des dispositions adoptées par la Conférence.§

M. Jacobs demande des renseignements sur l'ordre qui sera adopté pour la discussion de ces divers Rapports, et sur les conditions dans lesquelles devront être motivés les votes qui suivront.

Le President propose d'ouvrir, d'abord, une discussion générale sur l'ensemble des Rapports, puis de passer à une discussion speciale, dans l'ordre suivant, sur—

1. Le Rapport de la Deuxième Commission (travail du Dimanche).
2. Les Rapports de la Troisième Commission (travail des enfants, des jeunes ouvriers, et des femmes).
3. Le Rapport de la Première Commission (travail dans les mines).
4. Le Rapport de la Quatrième Commission (mise à exécution des dispositions adoptées par la Conférence).

En ce qui concerne le vote, il estime que chaque Délégation, en émettant le sien, pourra indiquer les motifs pour lesquels elle se décide ou les réserves qu'elle prétend faire.

La Conférence approuve, pour la fixation de l'ordre du jour de la prochaine séance, les propositions du Président.

En réponse à une question de M. de Castro, le Président déclare que MM. les Délégués auront toute liberté de formuler leurs réserves, non seulement au moment du vote, mais aussi dans le cours des débats.

La séance est levée à 5 heures et quart.

* Voir l'Annexe No. 2 (p. 53).
‡ Voir l'Annexe No. 4 (p. 49).
† Voir l'Annexe No. 3 (p. 65).
§ Voir l'Annexe No. 5 (p. 75).

(Translation.)

Protocol No. 4.—*Sitting of March* 26, 1890.

Present:

Germany—
His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
Mgr. Dr. Kopp, Prince-Bishop of Breslau.
Herr Reichardt, Director in the Foreign Office.
Herr Lohmann, Superior Privy Councillor of Administration.
Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
Her Koechlin, Manufacturer and Councillor of State.

Austria-Hungary—
Baron Béla Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
Herr Joseph Szterényi, Hungarian Factory Inspector.
Dr. Schulz, Secretary to the Austro-Hungarian Delegates.

Belgium—
Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
M. Victor Jacobs, Minister of State, Member of the Chamber of Representatives.
Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.
M. Emile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.

Denmark—
M. C. F. Tietgen, Privy Councillor of State.
M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
M. L. Bramsen, Director of Assurance Companies.

Spain—
M. Manuel Fernandez de Castro, Senator, Inspector-General of Mines.
M. Vicente Santamaria de Paredes, Deputy, and Director-General of Public Instruction.

France—
M. Jules Simon, Senator.
M. Tolain, Senator.
M. Burdean, Deputy.
M. Linder, Vice-President of the Superior Council of Mines.
M. Victor Delahaye, Machinist.
M. Jacquot, French Consul-General at Leipzig.
M. Laporte, Divisional-Inspector of Child Labour in Factories.
M. Pellé, Mining Engineer.
M. A. Lebon, Secretary to the French Delegates.

Great Britain—
The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Mine-owner.
Mr. T. Burt, M.P., Secretary of the Miners' Association.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. F. H. Whymper, Inspector of Factories.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—
M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy, and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—
Dr. Alexis Brasseur, Deputy, and Mine-owner.

Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipoteniary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
M. Ernesto Madeira Pinto, Councillor and Director-General in the Department of Commerce.
M. J. P. Oliveira Martins, Administrator of the Government Tobacco Monopoly, formerly Deputy.

Sweden and Norway—
M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.
Count Wrangel, Secretary of the Swedish and Norwegian Delegates.

Switzerland—
M. E. Blumer, Landammann of the Canton of Glaris.
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

His Excellency the Baron von Berlepsch, after opening the sitting at 2·30 P.M., announces that indisposition prevents his presiding over the day's debate, and asks M. Magdeburg to be good enough to take the chair.

M. Magdeburg announces that His Majesty the Emperor, having informed His Holiness Leo XIII of the proposed meeting of an International Conference at Berlin, and of the programme to be submitted to the deliberations of this Assembly, had at the same time notified to him the nomination of His Eminence Mgr. Dr. Kopp, Prince-Bishop of Breslau, as member of the German Delegation. To this communication the Pope had replied by a letter the terms of which, according to the desire expressed by His Holiness, and on the immediate command of His Majesty the Emperor, the President communicates to the Conference:—

"Your Majesty,

"We thank your Majesty for the letter which you have had the goodness to address to us to interest us in the International Conference which is about to meet at Berlin with the object of seeking for means of bettering the condition of the working classes.

"We are glad to congratulate your Majesty above all on having taken to heart

so noble a cause, and one so worthy of serious attention, being of interest to the whole world. This cause, besides, has not ceased to occupy our own attention, and the task undertaken by your Majesty corresponds to one of our dearest wishes. Already in the past, as your Majesty remembers, we have manifested our opinions on this subject, and with our own words we have caused to be proclaimed in its favour the precept of the Catholic Church, of which we, as Chief, under more recent circumstances, have recalled this precept afresh, and in order that this difficult and important problem may be solved in accordance with all the rules of justice, and that the legitimate interests of the labouring class may be duly protected, we have laid before each and all, including the Governments, their special duties and obligations.

"Without any doubt, the combined action of the Governments will powerfully contribute towards obtaining the much-wished-for end. Conformity of views and legislation, as far at least as the different conditions of locality and country permit, will be of a kind greatly to advance the question towards an equitable solution. We can therefore only give our highest support to all the deliberations of the Conference which may tend to relieve the condition of working men, as, for example, a distribution of labour better suited to the strength, the age, and the sex of each one; repose on the Lord's day, and, generally, all that will hinder the workman being treated as a mere instrument, without consideration for his dignity as man, for his morality or domestic hearth.

"Yet it has not escaped your Majesty that the happy solution of so grave a question would require, besides the prudent intervention of civil authority, the powerful assistance of religion, and the beneficent action of the Church. Religious feeling is in fact alone capable of insuring to law its full efficacy, and the Gospel is the only code in which the principles of true justice, the maxims of that mutual charity which should unite all men like children of the same father and members of the same family, are to be found. Religion will teach the employer to respect in his workman the dignity of man, and to treat him with justice and equity; it will inculcate in the conscience of the workman the feeling of duty and fidelity, and will render him moral, sober, and honest. It is from having lost sight of, neglected, and misunderstood the principles of religion that society finds itself shaken to its foundations; to recall them and put them again in force is the only way of re-establishing society on its basis, and to insure to it peace, order, and prosperity. Now it is the mission of the Church to preach and spread in the whole world these principles and doctrines. To her therefore it belongs to exercise a wide and fertile influence on the solution of the social problem. This influence we have exercised, and we shall continue to exercise specially to the advantage of the labouring classes. On their side the Bishops and pastors, aided by their clergy, will continue so to act in their separate dioceses; and we hope that this salutary action of the Church, far from being opposed by the civil Powers, will henceforward find in them aid and protection. As guarantee of this, we have, on one hand, the interest which the Governments attach to this grave question, and, on the other, the kind appeal which your Majesty has just addressed to us.

"Meanwhile, we express the most ardent hope that the labours of the Conference may be fruitful in useful results, and fully answer general expectation. And, in conclusion, we desire here to express the satisfaction which we felt at learning that your Majesty had invited to take part in the Conference as his Delegate Mgr. Kopp, Prince-Bishop of Breslan; he will certainly esteem himself greatly honoured by this high mark of confidence that your Majesty gives him on this occasion.

"It is with the most lively satisfaction that we express to your Majesty the most sincere wishes for your prosperity and that of your Imperial family.

(Signé) "Leo P. P. XIII.

"*The Vatican, March* 14, 1890."

Passing to the orders of the day, *the President* proposes to the Conference that the Reports of the Commissions be read, and observes that the general discussion will be simplified if the Delegates are thus enabled to offer their observations on the common points which occur in the 2nd, 3rd, and 4th sections of the programme.

The Swiss Delegate, *M. le Landammann Blumer*, rises to speak, and reads a Report on the deliberations of the Commission on Sunday labour.*

M. le Baron t'Kint de Roodenbeke, Belgian Delegate, then communicates his Report on the Resolutions adopted by the Commission on child labour and of young workmen in factories.†

* See Annex No. 1 (p. 40). † See Annex No. 2 (p. 59).

M. le Dr. Kaufmann, Swiss Delegate, reads his Report on the special discussions given rise to in the same Commission by the question of female labour.*

M. Harzé, Belgian Delegate, communicates his Report concerning the labours of the Mining Commission.†

The President announces that the Belgian Delegation would wish to introduce the following modification into the wording of the wish formulated in paragraph (*a*), p. 2, of the preceding Report:—

"That precautionary measures and measures of assistance, drawn up in conformance with the traditions and habits of each country, and destined to insure the miner and his family against the effects of disease, accident, premature decay, old age, or death, are adapted for attaching the miner to his profession, and should be more and more developed."

He therefore requests the Mining Commission to have the goodness to fix the time of the sitting which they would have to hold for this new deliberation.

Sir J. Gorst remarks that he should consider it irregular to return a Report to a Commission without having proceeded to a previous discussion in plenary sitting.

M. Hauchecorne for his part is surprised that the Belgian Delegation now asks for a modification of a text which she approved of a few hours back. But after the explanations of Baron Greindl, who shows that the new instructions of his Government only reached him after the close of the preparatory labours on the subject of mines, and, at the request of the President and his Excellency M. le Baron de Berlepsch, the Conference agrees to submit the proposal to the Commission.

The President also proposes in the name of the German Delegation to submit to the Second Commission a proposal respecting Sunday rest, consisting of the addition, to the second question on p. 14 of the Report, of the following paragraph: "With regard to repairs or cleaning intended to insure the continuation in use of the workings."

With the agreement of the Conference he settles the times for the meeting of the Commissions in question, and announces that the Reports read in the sitting will be distributed in the evening.

M. Ellena, Italian Delegate, reads the Report of the Commission for putting into force the proposals adopted by the Conference.‡

M. Jacobs asks for information on the order to be adopted for discussing these various Reports, and on the conditions on which the votes which follow will be taken.

The President proposes to open first a general discussion on the whole of the Reports, and then to pass to a special discussion in the following order on—

1. The Report of the Second Commission (Sunday labour).
2. The Reports of the Third Commission (child labour, labour of females and young workmen).
3. The Report of the First Commission (work in mines).
4. The Report of the Fourth Commission (putting into force of the motions adopted by the Conference).

As regards the vote, he considers that each Delegation in recording its own will be enabled to explain the motives for which they form their decision, or the reservations which they wish to make.

The Conference agrees to the President's proposals for fixing the order of the day of the next sitting.

In answer to a question of M. de Castro, the President declares that the Delegates will have perfect freedom to formulate their reservations not only at the moment of voting, but also in the course of the debate.

The sitting rose at 5·15 P.M.

No. 22.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 31.)

My Lord, *Berlin, March* 28, 1890.

WE have the honour to transmit herewith to your Lordship the official copy of Protocol No. 2.

The Conference met to-day at 11 A.M., when the First Commission presented a

* See Annex No. 3 (p. 70). † See Annex No. 4 (p. 5·).

‡ See Annex No 5 (p. 81).

supplementary and an amended Report as well as their "compte-rendu," copies of which are herewith inclosed.

These Reports, and that of the Fourth Commission, were then considered and adopted without alteration.

The Conference adjourned till 2 P.M. to-morrow, when the closing sitting will take place.

We have, &c.
(For Her Majesty's Representatives),
(Signed) JOHN E. GORST.

Inclosure 1 in No. 22.

Protocol No. 2.—Sitting of March 17, 1890.

[See Inclosure in No. 12, p. 14.]

Inclosure 2 in No. 22.

Rapport Supplémentaire de la Commission des Mines.

LA Commission des Mines s'est réunie en séance le 27 Mars, 1890, pour délibérer la proposition de la Belgique relative à la proposition (*d*) de la réponse à la troisième question du programme.

Cette proposition consiste à insérer après le mot "prévoyance" les mots "et de secours organisées conformément aux traditions et aux mœurs de chaque pays et. . . ."

Après délibération, la proposition (*d*) a été libellée comme suit :—

"(*d.*) Que les institutions de prévoyance et de secours organisées conformément aux mœurs de chaque pays et destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées."

La Commission a profité de cette occasion pour rectifier dans les termes suivants la proposition (*e*) de la troisième question :—

"(*e.*) Que dans le but d'assurer la continuité de la production du charbon on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs s'engagent volontairement dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

(Translation.)

Supplementary Report of the Committee on Mines.

THE Committee on Mines met on the 27th March, 1890, to discuss the proposal of Belgium relative to suggestion (*d*) for the answer to the third question in the programme.

This proposal was to insert, after the word "providence," the words, "and of assistance organized in conformity with the traditions and character of each country, and . . . ."

After discussion, the suggested answer was worded as follows :—

"(*d.*) That the institutions of providence and assistance organized in conformity with the customs of each country, and intended to guarantee the working miner and his family against the effects of disease, accidents, premature ill-health, old age, and death—institutions which are calculated to improve the miner's lot and attach him to his trade—should be further developed."

The Committee took advantage of this opportunity to correct the proposed answer (*e*) to the third question in the following terms :—

"(*e.*) That for the purpose of insuring continuity in the supply of coal, steps should be taken for the prevention of strikes. Experience tends to show that the best preventive consists in a voluntary agreement between masters and miners that, in all cases where their differences cannot be arranged by a direct understanding, they shall have recourse to a solution by arbitration."

Inclosure 3 in No. 22.

Rapport de la Commission des Mines.—(Amendé dans la Séance du 27 Mars.)

LA Commission, présidée par M. Hauchecorne, a examiné les trois questions de son programme libellées comme suit:—

Première Question.—Le travail sous terre, doit-il être défendu—

(*a.*) Aux enfants au-dessous d'un certain âge?

(*b.*) Aux personnes du sexe féminin?

Deuxième Question.—La journée de travail dans les mines offrant des dangers pour la santé, doit-elle être soumise à des restrictions?

Troisième Question.—Pourra-t-on dans l'intérêt public, pour assurer la continuité de la production du charbon, soumettre le travail dans les houillères à un Règlement International.

Malgré quelques divergences de principes, la Commission, animée de sentiments de conciliation, a émis, le plus souvent à la suite d'amendements apportés à des propositions primitives, et sous le bénéfice de quelques réserves et abstentions indiquées plus loin, les vœux ci-après:—

Il est désirable—

Sur la première question:

(*a.*) Que la limite intérieure de l'âge, auquel les enfants peuvent être admise aux travaux souterrains dans les mines, soit progressivement élevée, à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus.

Toutefois, pour les pays méridionaux, cette limite serait celle de 12 ans.

(*b.*) Que le travail sous terre soit défendu aux personnes du sexe féminin.

Sur la deuxième question:

Que dans les cas où l'art des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mine, la durée du travail soit restreinte.

Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers, ou autrement, selon les principes et la pratique de chaque nation.

Sur la troisième question:

(*a.*) Que la sécurité de l'ouvrier et la salubrité des travaux soient assurées par tous les moyens dont dispose la science et placées sous la surveillance de l'État;

(*b.*) Que les ingénieurs chargés de diriger l'exploitation soient exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées;

(*c.*) Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation soient les plus directes possible pour avoir un caractère de confiance et de respect mutuels;

(*d.*) Que les institutions de prévoyance et de secours organisés conformément aux mœurs de chaque pays et destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse, et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées;

(*e.*) Que dans le but d'assurer la continuité de la production du charbon, on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs s'engagent volontairement dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage.

Observations Justificatives et Réserves.

(*a.*) *Première Question.*—Une limite inférieure de l'âge d'admission du jeune ouvrier dans les travaux intérieurs des mines se justifie par des considérations de l'enfance. Avant d'aborder la carrière des mines, l'enfant doit acquérir un développement intellectuel et physique suffisant.

Il ne peut être question de mesures d'application immédiate. D'autre part, les difficultés du recrutement et de l'apprentissage doivent être envisagées.

La Belgique vient de modifier sa législation du travail des femmes et des enfants.

Aussi, considérant que c'est chez elle que la productivité par ouvrier est de beaucoup la plus faible, entend-elle ne toucher aux conditions économiques de son industrie charbonnière qu'avec une extrême prudence et conséquemment après un essai suffisant de sa nouvelle législation, qui fixe l'âge minimum d'admission de l'enfant dans les mines à 12 ans pour le travail de jour, à 14 ans pour le travail de nuit. La pratique de la loi constituera une expérience qu'il est indispensable de faire avant d'aller plus loin.

Les Délégués Belges ont tenu aussi à spécifier la portée du mot "possibilité." Dans leur esprit, il ne peut s'agir d'une possibilité absolue, c'est-à-dire d'une absence d'inconvénients dans un pays déterminé, mais bien d'une possibilité relative, spéciale à chaque pays; en d'autres termes, il ne serait question d'élever un jour l'âge d'entrée dans les mines que là où cette mesure n'exercerait, au moment où elle serait prise, aucune influence nuisible au recrutement des houilleurs et à l'exploitation des mines.

Les Délégués de la France, de leur côté, tout en adhérant en principe au vœu qui vise la limite de 14 ans, ont exprimé des réserves en raison des besoins actuels du recrutement des apprentis-mineurs et aussi pour mettre hors de cause le cas des enfants qui se trouveraient avoir atteint avant 14 ans un développement intellectuel et physique suffisant, constaté par des certificats légaux.

Ils considèrent que la formule adoptée donne satisfaction à cette double réserve.

Les Délégués de l'Espagne et de l'Italie ont demandé que la limite inférieure de l'âge d'admission soit abaissée à 12 ans pour les pays méridionaux, l'adolescence dans ces contrées étant précoce. La limite d'âge légale étant actuellement de 9 ans pour l'Espagne et de 10 ans pour l'Italie, en consentant à un relèvement de cette limite jusqu'à 12 ans, ils pensent donner un gage de leur esprit de progrès.

Le vote sur cet abaissement de l'âge a recueilli 9 adhésions et 2 abstentions (France et Grande-Bretagne). La France s'est abstenue non qu'elle ait aucune objection à élever à cet égard, mais parce qu'étant désintéressée dans la question, elle se borne à donner acte du vœu exprimé par les pays méridionaux. La Grande-Bretagne a déclaré ne pouvoir accepter la responsabilité de refuser aux enfants de ces pays le bénéfice de l'élévation de la limite d'âge à 14 ans.

(*b.*) Le labeur minier en imprégnant la jeune fille d'une rudesse presque masculine, la prépare mal à son futur rôle d'épouse et de mère. On a fait observer aussi que l'emploi simultané des femmes et des hommes dans les travaux souterrains n'est pas sans présenter de sérieux inconvénients moraux.

Presque toutes les législations ont interdit aux personnes du sexe féminin l'accès des travaux souterrains. Une récente Loi Belge, évitant de toucher au principe de la liberté individuelle des majeurs, a exclu les femmes jusqu'à l'âge de 21 ans. Mais l'expérience démontre que cet âge correspond le plus souvent à celui de leur désertion volontaire de la mine. Aussi les Délégués de la Belgique, tout en s'associant au vœu de la disparition des femmes des travaux souterrains des mines mais n'entendant pas prendre, au nom de leur Gouvernement, l'engagement de modifier la Loi précitée, estiment que ce vœu sera réalisé par l'action de celle-ci.

Deuxième Question.—Le vœu vise les cas d'insalubrité manifeste que la science serait impuissante à faire disparaître malgré tous les efforts de l'esprit de recherche. Il importe de rapprocher de ce vœu la proposition (*a*) du dernier objet de délibération de la Commission.

Troisième Question.—Les vœux que comprend ce dernier objet sont assez détaillés pour n'avoir pas à être développés ici.

Tous ces vœux ont été adoptés à l'unanimité, sauf en ce qui concerne la deuxième partie du premier vœu pour laquelle il y a eu les deux abstentions mentionnées plus haut.

Pour le surplus, la Commission renvoie au compte-rendu de ses séances.

Le Rapporteur,
(Signé) E. HARZÉ.

Berlin, le 25 *Mars*, 1890.

(Translation.)

Report of the Committee on Mines.—(*Amended at the Sitting of March* 27.)

THE Committee, under the presidency of M. Hauchecorne, has examined the three questions in the programme, namely:—

First Question.—Should underground labour be forbidden—

(*a.*) To children under a certain age?

(*b.*) To persons of the female sex?

Second Question.—As the day's work in mines involves risk to the health, should it be restricted?

Third Question.—Is it possible in the public interest, in order to insure continuous production of coal, to conduct work in the pits under an International Regulation?

In spite of some differences of principle, the Committee, being animated with conciliatory sentiments, have, in most cases, after the introduction of amendments to the original proposals, and subject to certain reservations and abstentions mentioned below, adopted the following Resolutions:—

It is desirable—

On the first question:

(*a.*) That the inferior limit of age at which children may be admitted to subterranean work in mines should be gradually raised, according as experience may prove the possibility of such a course, to 14 years complete.

In southern countries, however, this limit would be 12 years.

(*b.*) That subterranean work should be forbidden to persons of the female sex.

On the second question:

That in cases where the art of mining is not sufficient to remove all the dangers to health resulting from conditions, either natural or accidental, in the working of certain mines or certain workshops connected with mines, the duration of the work should be limited.

Each country is left the task of insuring this result by legislative or administrative means, or by agreement between employers and men, or otherwise, according to the principles and practice of each nation.

On the third question:

(*a.*) That the safety of the workman and the healthiness of the works should be insured by all the means at the disposal of science, and placed under the supervision of the State.

(*b.*) That the engineers charged with the direction of the works should all be men of experience and technical qualifications duly attested.

(*c.*) That the relations between miners and engineers of the works should be as direct as possible, so as to possess a character of mutual confidence and respect.

(*d.*) That the institutions of providence and assistance organized in conformity with the customs of each country, and intended to guarantee the working miner and his family against the effects of disease, accidents, premature ill-health, old age, and death—institutions which are calculated to improve the miner's lot and attach him to his trade—should be further developed.

(*e.*) That for the purpose of insuring continuity in the supply of coal steps should be taken for the prevention of strikes. Experience tends to show that the best preventive consists in a voluntary agreement between masters and men that in all cases where their differences cannot be arranged by a direct understanding, they shall have recourse to a solution by arbitration.

Explanatory Observations and Reservations.

(*a.*) *First Question.*—The inferior limit of age for the admission of young workmen to the interior of mines is justified by considerations of youth. Before commencing miner's work, the child should acquire sufficient intellectual and physical development.

There can be no question of measures of immediate application. On the other hand, the difficulties of finding hands and of apprenticeship should be taken into consideration.

Belgium has just modified her legislation on the subject of women and children's work. As in that country the producing power of each workman is much the lowest, she is unwilling to interfere with the economical conditions of the coal industry except with great caution, and consequently, after due trial of her new legislation, which fixes the minimum age for the admission of children to the mines at 12 years for work by day and at 14 for work by night, the working of the law will furnish that experience which it is indispensable to make before proceeding further.

The Belgian Delegates have also thought it necessary to define the meaning of the word "possibility." According to their idea there can be no question of an absolute possibility, that is to say, of an absence of difficulty in any particular country, but rather of a relative possibility peculiar to each country; in other words, it would not be a question of, at any time, raising the age for entering mines except where such a measure would not, at the time of its adoption, exercise an injurious influence on the finding of mining hands and the working of mines.

The French Delegates, on their part, while adhering in principle to the resolution which indicates the limit of 14 years, have made reservations in view of the necessity for recruiting mining apprentices, and also in order to exclude the case of children who, before the age of 14, may have attained a sufficient intellectual and physical development duly attested by legal certificates.

They consider that the text adopted satisfies this twofold reservation.

The Spanish and Italian Delegates have asked that the inferior limit of age for admission should be lowered to 12 years for southern countries, adolescence being earlier in those climates. The legal limit of age being now 9 years in Spain and 10 in Italy, they think that, in consenting to raise that limit to 12 years, they give proof of their spirit of progress.

The vote on this lowering of age resulted in 9 adhesions and 2 abstentions (France and Great Britain). France abstained not because she had any objection to raise, but because, being uninterested in the question, she confines herself to taking note of the Resolution put forward by the southern countries. Great Britain declares that she is unable to accept the responsibility of refusing to children in those countries the advantage of raising the limit of age to 14 years.

(*b.*) Mining work, producing as it does a masculine roughness on a young girl, is a bad preparation for her future position as a wife and mother. It was also pointed out that the simultaneous employment of women and men in subterranean work must involve serious moral dangers.

Nearly all Legislatures have forbidden to persons of the female sex access to subterranean works. A recent Belgian Law, while avoiding interference with the principle of the individual liberty of adults, excludes women up to the age of 21 years. But experience shows that that age generally coincides with the time when they voluntarily leave the mine. The Belgian Delegates, therefore, while joining in the Resolution for the exclusion of women from subterranean work in mines, but not wishing to undertake in the name of their Government to modify the Law above mentioned, consider that the Resolution will be realized by the action of that Law.

Second Question.—The Resolution applies to cases of manifest unhealthiness which science would be powerless to deal with in spite of all the efforts of research.

It is desirable to take, in connection with this Resolution, proposal (*a*) of the last subject of the Committee's deliberations.

Third Question.—The Resolutions comprised under the last heading are so detailed as not to require further development here.

All these Resolutions were unanimously adopted, except in the second part of the first Resolution, in which there were the two abstentions above mentioned.

For the rest the Committee refers to the Report of its sittings.

The Secretary,
(Signed) E. HARZÉ.

Berlin, March 25, 1890.

Inclosure 4 in No. 22.

Compte-rendu des Séances de la Commission des Mines.

I.—*Séance du* 17 *Mars*, 1890.

SUR la proposition de M. de Graenzenstein, M. le Dr. Hauchecorne est élu Président.

M. Hauchecorne remercie.

M. Harzé est nommé Rapporteur. Il lui est adjoint M. l'Ingénieur Pellé.

M. le Président expose le programme des questions soumises à l'examen de la Commission.

Première Question.—Le travail sous terre doit-il être défendu :

(*a.*) Aux enfants au-dessous d'un certain âge ?

(*b.*) Aux personnes du sexe féminin ?

Deuxième Question.—La journée de travail dans les mines offrant des dangers particuliers pour la santé, doit-elle être soumise à des restrictions ?

M. le Président fait remarquer que cette deuxième question ne comporte pas la recherche d'une durée légale du travail quotidien de l'ouvrier dans les mines en général, mais la détermination des restrictions auxquelles ce travail pourrait devoir être soumis lorsque se présentent des dangers spéciaux.

Troisième Question.—Pourra-t-on dans l'intérêt public, pour assurer la continuité de la production du charbon, soumettre le travail dans les houillères à un Règlement International ?

La portée de cette dernière question sera définie ultérieurement.

La Commission, sur la gracieuse invitation de son Président, ira visiter l'Institut Royal du Service Géologique et des Mines de Berlin.

II.—*Séance du* 18 *Mars*, 1890.

L'ordre du jour appelle la discussion sur le travail des enfants masculins à l'intérieur des mines, première partie de la question No. 1.

Tout en rappelant le travail de M. Th. Lohmann, Conseiller Intime Supérieur de Régence, M. le Président invite MM. les Délégués, dans l'ordre alphabétique des nations représentées, à donner des renseignements sur la situation de leurs pays respectifs.

MM. Haberer, de Graenzenstein, Harzé, Linder, Dale, Bodio, de Castro, Brasseur, Snyder van Wissenkerke, et Hauchecorne satisfont, chacun en ce qui les concerne, au désir exprimé.

De leurs renseignements et de quelques notes fournies, il résulte ce qui suit :

L'Autriche.—Pour la surface des mines, l'âge minimum de l'admission de l'enfant est de 12 ans, avec des restrictions de travail sauvegardant son développement physique et les obligations scolaires. Pour l'intérieur des exploitations, cette limite est élevée à 14 ans.

La Hongrie.—L'âge d'admission est uniforme pour les mines et les autres industries. Cependant les Inspecteurs s'efforcent à restreindre dans les mines l'admission des enfants au-dessous de 14 ans. Actuellement, il n'y en a plus que quelques centaines.

La Belgique.—Loi du 13 Décembre, 1889. Pour le travail de jour l'âge minimum d'admission est de 12 ans ; pour celui de nuit, le Roi peut autoriser leur admission dès l'âge de 14 ans.

Précédemment, ce fut le Décret Impérial du 3 Janvier, 1813, puis l'Article 69 de l'Arrêté Royal du 28 Avril, 1884, qui réglèrent ces points. Le Décret avait fixé l'âge d'admission à 10 ans sans distinction du travail de jour et de nuit. Mais, sauf cas très exceptionnels, l'enfant n'entrait dans la mine qu'entre la 11^{e} et la 12^{e} année, après l'acte religieux de sa première communion.

La France.—La situation est réglée par la Loi du 9 Mai, 1874, et le Décret du 12 Mai, 1875. Les enfants au-dessous de 12 ans ne peuvent être admis dans les travaux souterrains ; ceux du sexe féminin ne peuvent l'être à aucun âge. Les jeunes garçons de 12 à 16 ans ne sont autorisés à travailler que huit heures sur vingt-quatre, et cette durée doit être coupée par un repos d'une heure au moins : tout travail fatigant tel qu'abattage, forage, boisage, &c., leur est interdit ; lorsqu'ils sont employés à faire tourner les ventilateurs, ils ne peuvent être occupés pendant plus de quatre heures, coupées par un repos d'une demi-heure.

Ces dispositions vont être améliorées ; un Projet de Loi voté par le Sénat est actuellement soumis à la Chambre des Députés ; s'il est adopté, il marquera un pas nouveau dans la voie du progrès : l'âge minimum où l'enfant peut travailler dans les mines y est porté à 13 ans, à moins qu'il ne soit muni des certificats légaux d'études et d'aptitude physique nécessaires, auquel cas il pourra être admis à travailler avant 13 ans. De 13 à 16 ans, l'enfant ne pourra être employé pendant le jour qu'à un travail effectif de moins de douze heures, coupées par un repos ; le travail de nuit lui sera totalement interdit.

Il est fait observer que le nombre des enfants de 12 à 16 ans travaillant dans les mines (1887) en France et en Algérie est de :—

Dans les mines de combustible—	
Au fond	4,462
A l'extérieur	3,243
Dans les autres mines—	
Au fond	42
A l'extérieur	239
Total	7,986

La question en discussion intéresse donc surtout les houillères. Au point de vue de ces exploitations, il est nécessaire que la limite d'âge ne soit pas actuellement portée au delà de 13 ans. Toute mesure contraire compromettrait en effet le recrutement des mineurs dans les pays où la main-d'œuvre est rare et le recrutement par suite difficile. La fixation à 14 ans, par exemple, de l'âge minimum d'admission des enfants dans les mines, en maintenant cet âge à 13 ans pour les autres industries, écarterait les enfants des mineurs du travail des exploitations houillères ; ces enfants, arrivés à l'âge de travailler, seraient dirigés par leurs parents vers une autre industrie et y resteraient.

L'âge auquel s'étend la protection des jeunes gens donne lieu également à observation. Actuellement cet âge est de 16 ans ; il est à maintenir.

L'apprentissage du métier de mineur est très important ; il doit commencer de bonne heure, l'inexpérience de l'ouvrier mineur d'une part, entraînant pour lui une diminution de salaire par suite d'une diminution de production, et d'autre part, pouvant être fatale à la sécurité. Or, si l'ouvrier ne peut commencer son apprentissage qu'après 16 ans, il ne l'aura pas terminé à l'âge où la Loi Militaire s'en emparera pour quelques années ; son devoir accompli, il renoncera au métier de mineur, qu'il ne connaîtra pas suffisamment, pour en choisir un autre plus facile.

La Grande-Bretagne.—Le travail à l'intérieur des mines est défendu aux enfants masculins au-dessous de l'âge de 12 ans. Il n'est pas permis aux garçons au-dessous de 16 ans de travailler sous terre plus de 54 heures par semaine, et plus de 10 heures par jour.

L'honorable Mr. Dale a fourni les renseignements statistiques suivants, relatifs à l'année 1888 :—

MINES en Général.

Surface—	
Hommes et garçons	121,970
Femmes et filles	5,680
Intérieur—	
Hommes et garçons	465,006
Ensemble	592,656

Dans ce total sont compris 57,711 travailleurs employés dans les mines métalliques et les fabriques de coke.

D'où 534,945 ouvriers employés dans les mines de houille, se subdivisant comme suit :—

SURFACE.

	Garçons.	Filles.	Hommes.	Femmes.	Total.
De 12 à 13 ans	228	2	..	..	96,043
De 13 à 16 ans	8,729	303	..	..	
Au-dessus de 16 ans	..	..	83,151	3,630	

INTÉRIEUR.

	Garçons.	Hommes.	Total.
De 12 à 16 ans	42,045	..	438,902
Au-dessus de 16 ans	..	396,730	
De moins de 12 ans, par mesure transitoire ..	117	..	

L'Italie.—Le travail des enfants est régi par la Loi du 11 Février, 1886, et par le Règlement d'Exécution du 17 Septembre de la même année.

En ce qui concerne l'intérieur des mines, l'âge inférieur d'admission des enfants est de 10 ans. Ils ne peuvent être employés plus de huit heures par jour et non la nuit, ce qui est une règle commune à toutes les industries. Pour les adolescents de 12 à 15 ans, le travail de nuit n'est permis que pour une durée de six heures. La loi n'a pas jusqu'ici été strictement observée, mais elle ne peut tarder à l'être grâce à la vigilance des Ingénieurs des Mines qui exercent une influence persuasive sur les exploitants même en dehors des mesures administratives.

M. Bodio a fait parvenir quelques données statistiques reproduites ci-après :—

Mines de Soufre de la Sicile.

Années.	Sexe Masculin.		Sexe Féminin.	
	Adultes.	Enfants de moins de 14 ans.	Adultes.	Enfants de moins de 14 ans.
1885	20,165	8,460	69	55
1886	17,815	7,613	56	17
1887	17,001	5,836	23	19
1888	19,023	5,966	15	20

Mines de Soufre des Romagnes et des Marches.

Années.	Adultes.	Enfants de moins de 14 ans.
1885	3,050	20
1886	3,068	54
1887	2,631	55
1888	2,443	50

Mines de l'Ile de Sardaigne (presque toutes Métalliques, quelques Mines de Lignite).

Années.	Sexe Masculin.		Sexe Féminin.	
	Hommes.	Garçons.	Femmes.	Filles.
1885	8,653	606	581	412
1886	8,339	565	645	365
1887	8,726	459	714	231
1888	9,055	499	608	218

Les femmes figurant dans ces Tableaux ne sont pas employées aux travaux souterrains.

L'Espagne.—Pas de règles générales pour les enfants. Toutefois, aux mines de mercure d'Almaden le travail des ouvriers est soumis à des restrictions.

D'après un Projet de Loi à l'étude, les enfants ne pourraient descendre avant l'âge de 9 ans.

Le Luxembourg.—Il n'existe dans le Luxembourg que des mines de fer.

La législation du Grand-Duché remonte à 1876. Elle ne s'occupe que de l'exploitation souterraine des mines de fer.

L'Article 2 de la Loi du 21 Novembre, 1876, dispose :—

"Avant l'âge de 16 ans révolus aucun enfant ne peut être admis dans les travaux souterrains des mines, minières et carrières."

Deux motifs principaux ont engagé les Législateurs Luxembourgeois à porter cette prohibition.

D'un côté on faisait valoir l'intérêt des jeunes ouvriers, on disait qu'il fallait protéger leur développement physique, moral, et intellectuel. Or, les travaux des mines, surtout l'extraction et le concassage, boisage et autres exigent de grandes dépenses de forces, que l'homme dans toute la vigueur de l'âge est seul capable de fournir.

D'un autre côté, on soutenait qu'il fallait encore protéger la santé de l'ouvrier et empêcher qu'il n'entre trop tôt dans l'air vicié des galeries.

Un nouveau Projet de Loi est soumis en ce moment à la Chambre; il a pour but de protéger l'adolescent de 16 à 18 ans. On propose de dire: "que les garçons âgés de plus de 16 ans et de moins de 18 ans accomplis ne peuvent être employés dans les exploitations souterraines qu'à des travaux faciles. Ce genre sera déterminé par un Arrêté Ministériel."

Les Pays-Bas.—Quelques minières et une mine de charbon. La Loi du 5 Mai, 1889, ne contient pas de dispositions limitatives, mais elle donne au Roi le droit d'y pourvoir. Cela ne paraît guère opportun, car aucun ouvrier au-dessous de 18 ans ne travaille dans les travaux souterrains dans la mine précitée.

La Norvège.—La Législation Norvégienne ne contient aucune disposition à ce sujet. D'après un Projet de Loi, les enfants de 12 à 14 ans et les femmes de moins de 18 ans ne pourront travailler au fond.

En fait, ni femmes, ni enfants dans les mines.

L'Allemagne.—Pas de travail avant 12 ans.

On compte très peu d'enfants de 12 à 14 ans dans les mines. A cet âge, il y a obligation d'aller à l'école et on ne les occupe pas plus de six heures à l'intérieur des travaux.

M. le Président fait la proposition de fixer à 14 ans l'âge minimum d'admission des enfants dans les mines. En Allemagne ce desideratum est un fait à peu près accompli.

M. le Baron Greindl rappelle que le Parlement Belge vient de voter une Loi qui n'est pas encore appliquée, fixant à 12 ans cet âge minimum. La pratique de la Loi constituera une expérience qu'il est indispensable de faire avant d'aller plus loin.

M. le Président insiste sur ce point qu'il ne s'agit que de vœux à exprimer.

Pour M. de Castro, on ne peut établir le même âge pour tous les pays, l'âge d'adolescence n'étant pas le même sous les diverses latitudes.

M. Bodio appuie la manière de voir de M. de Castro en ajoutant qu'il y a lieu aussi de considérer l'augmentation de ressources qu'apporte à la famille ouvrière le travail des enfants.

M. Burdeau constate que la France ne se trouve pas dans des conditions extrêmes. Il se borne à s'incliner devant les observations de MM. de Castro et Bodio. Abordant le fond de la question, il annonce qu'un Projet de Loi amendé par le Sénat va être examiné par la Chambre des Députés. Ce projet fixe à 13 ans l'âge inférieur d'admission des enfants au travail industriel. Le but de la Loi est humanitaire. Il s'agit de protéger la santé de l'enfant; mais d'autre part le bien-être de celui-ci dépend en partie de l'augmentation des ressources qu'il apporte à sa famille par son salaire. Ce n'est qu'au fur et à mesure que le salaire des adultes se relèverait, qu'on serait tout à fait libre de rehausser la limité d'âge.

M. de Graenzenstein et M. Haberer acceptent la proposition de M. le Président.

M. le Baron Greindl demande et obtient l'ajournement du vote.

M. le Président consulte l'assemblée sur le point de savoir s'il lui convient de rechercher les restrictions que peut réclamer le travail des jeunes ouvriers, tels que ceux de 13 à 16 ans.

Sur la proposition de M. Brasseur, la Commission décide de laisser ce point à la réglementation de chaque pays.

III.—*Séance du* 19 *Mars,* 1890.

M. le Président résume la discussion de la séance précédente. Il observe que la limite d'âge d'admission des enfants à l'intérieur des mines varie, suivant les pays, de 9 à 16 ans. L'Allemagne a proposé 14 ans. Ce chiffre recueillerait certainement un grand nombre de suffrages; mais il serait désirable de trouver une solution d'adhésion générale. Peut-être pourrait-on fixer des âges différents pour les contrées du nord et les pays méridionaux.

M. de Castro (Espagne) préférerait voir établir deux limites d'âge, par exemple 12 et 16 ans. Chaque Gouvernement fixerait ensuite un chiffre entre les deux limites.

M. Brasseur (Luxembourg) fait observer que cette solution ne répondrait pas au but en vue. Son adoption reviendrait à considérer l'âge de 12 ans comme limite inférieure.

Mr. Dale dit que les Délégués de l'Angleterre ne pourraient adhérer a aucune proposition qui impliquerait une promesse de législation immédiate. Cependant la motion suivante lui paraîtrait acceptable: "La Commission émet le vœu que l'âge d'admission des enfants dans les mines soit progressivement élevé à 14 ans, lorsque l'expérience en aura démontré la possibilité."

M. Brasseur oppose la question suivante:

"Serait-il désirable de fixer à 14 ans l'âge au-dessous duquel l'enfant peut être occupé dans les travaux souterrains des mines ?"

M. de Graenzenstein accepte la rédaction de M. Brasseur et y répond affirmativement. En 1889, il n'y avait plus dans les mines Hongroises que neuf enfants de 12 ans et 780 de 12 à 14 ans.

M. Harzé observe que les conditions d'exploitation des houillères ne sont pas celles des autres mines. En Belgique sans qu'il y ait eu besoin de l'intervention de la loi, l'effectif des ouvriers occupés à l'intérieur des mines métalliques et des minières (1,070 ouvriers) ne comprend aucune femme et seulement quinze jeunes ouvriers au-dessous de 18 ans. Dans les charbonnages, au contraire, un personnel de jeunes ouvriers suffisamment nombreux s'impose pour assurer dans les couches minces le service du remblayage au profit de l'hygiène et de la sécurité de la mine ainsi que de la sûreté du sol. A la vérité, ce travail s'effectue par le poste de nuit dont seront bientôt exclus les enfants de moins de 14 ans. Il n'en absorbera pas moins une notable partie du jeune personnel disponible dont l'effectif va encore se restreindre par l'interdiction imminente du travail des filles.

Sur l'interpellation de M. Brasseur, le Délégué Belge dit qu'il y a en Belgique 2,747 enfants de 12 à 14 ans dans les mines de houille et 4,792 de 14 à 16 ans. La grande différence de ces nombres prouve que le recrutement des enfants ne se produit pas exclusivement entre les âges de 12 et de 14 ans.

M. Bodio dit qu'en Italie on ne pourrait obtenir prochainement des Corps Législatifs l'élévation du minimum d'âge pour l'admission des enfants dans les travaux souterrains, attendu que la Loi actuelle n'est entrée en vigueur que depuis deux ans. Il présente à l'assemblée un Rapport officiel sur l'application qu'a reçue la Loi du 11 Février, 1886. Dans tous les cas, il insiste pour que le minimum à recommander aux pays méridionaux soit de 12 ans. Il ajoute que l'emploi des enfants dans les travaux souterrains des mines de soufre consiste au transport du minéral du fond à la surface, mode qu'il est désirable de voir disparaître. Néanmoins, l'usage des jeunes enfants est indispensable. Pour s'en passer il faudrait changer profondément les conditions techniques de l'exploitation. Ce résultat ne pourrait être obtenu qu'avec l'aide de grands capitaux et l'amélioration du marché. Pour cela, il faudrait un levier plus puissant que celui qui peut résulter d'une Loi protectrice de l'enfant. Comme dernière considération, M. Bodio fait remarquer que l'exploitation des solfatare ne porte pas concurrence aux industries minières des autres pays puisque les gisements de soufre ne se rencontrent en Europe qu'en Sicile.

M. Haberer (Autriche) accepte la proposition de M. Brasseur.

M. le Président propose le texte suivant: "Il est désirable que la limite inférieure de l'âge d'admission des enfants dans les travaux souterrains soit progressivement élevée à 14 ans. Pour les pays méridionaux, comme l'Espagne et l'Italie, on pourra choisir un âge moindre."

M. Burdeau (France) fait observer que cette proposition établit une limite brusque dans le régime des pays du nord et ceux du sud. La France a une situation intermédiaire. Elle est contiguë à l'Espagne et à l'Italie. On pourrait dire qu'il est désirable de tendre vers la limite de 14 ans, en tenant compte, pour pouvoir descendre en-dessous, de certificats d'aptitude physique et intellectuelle.

M. le Baron Greindl demande que pour bien établir la portée de la proposition présentée par l'honorable Mr. Dale, l'on maintienne les mots "lorsque l'expérience en aura démontré la possibilité." Il importe d'éviter toute équivoque dans l'esprit des travailleurs lorsqu'ils auront connaissance des vœux de la Conférence.

M. le Baron Greindl insiste sur cette circonstance que la Belgique a les mines de houille les moins avantageuses des pays producteurs. Son principal débouché est la

France où ses charbons sont frappés d'un droit protecteur. Aussi, ne doit-elle toucher aux conditions de son industrie charbonnière qu'avec une extrême prudence et par conséquent après un essai suffisant de sa nouvelle législation ouvrière.

M. le Président ne voit pas d'inconvénient à ce qu'il soit satisfait au désir de l'honorable Délégué Belge.

M. Burdeau est disposé à retirer son observation relative aux certificats, si la Commission se rallie à la propositiou présentée par Mr. Dale, celle-ci y faisant implicitement droit.

M. de Castro (Espagne) accepte la limite de 12 ans pour les pays méridionaux sous le bénéfice des réservés exprimées au sujet de l'âge de 14 ans pour les pays septentrionaux.

M. le Président amende comme suit le texte de sa proposition : "Il est désirable que la limite inférieure de l'âge auquel les enfants peuvent être admis aux travaux souterrains des mines, soit progressivement élevée, à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus.

"Toutefois, pour les pays méridionaux, cette limite serait celle de 12 ans."

Mr. Dale et Sir John Gorst demandent la suppression de la dernière phrase.

M. le Président soumet la première partie de la proposition au vote de l'assemblée. Elle est adoptée à l'unanimité.

M. Burdeau déclare qu'en votant affirmativement, les Délégués Français attachent à la réserve formulée dans la proposition ce sens : qu'au-dessous de 14 ans et à partir de 12 ans, l'admission peut être accordée à titre exceptionnel à des enfants munis de certificats attestant un développement intellectuel et physique suffisant.

Sur la deuxième partie de la proposition, il est procédé au vote par pays. Le vote recueille 9 adhésions et 2 abstentions (France et Grande-Bretagne).

M. le Baron Greindl fait remarquer que la question ne concernant pas la Belgique elle n'a aucune raison de s'opposer à l'exception demandée.

M. Burdeau explique que la France s'abstient, non qu'elle ait aucune objection à élever, mais parce qu'étant désintéressée dans la question, elle se borne à donner acte du vœu exprimé par les pays méridionaux.

Les Délégués de la Grande-Bretagne déclarent ne pouvoir accepter la responsabilité de refuser aux enfants des pays méridionaux le bénéfice de l'élévation de la limite d'âge à 14 ans.

Suivant les Délégués Belges, par le mot "possibilité" (première partie de la proposition), il ne peut s'agir d'une possibilité *absolue*, c'est-à-dire d'une absence d'inconvénients dans un pays déterminé, mais bien d'une possibilité *relative* spéciale à chaque pays ; en d'autres termes, il ne serait question d'élever un jour l'âge de l'entrée dans les mines que là où cet abaissement n'exercerait, au moment où la mesure serait prise, aucune influence nuisible au recrutement du houilleur et à l'exploitation des mines.

M. le Président aborde l'examen de la question du travail des personnes du sexe féminin dans les mines et donne la parole à M. Harzé.

M. Harzé indique comment en Belgique la nouvelle Loi du 13 Décembre, 1889, a résolu cette question. L'Article 9 dispose comme suit : "A partir du 1er Janvier, 1892, les filles et les femmes âgées de moins de 21 ans ne pourront être employées dans les travaux souterrains des mines, minières, et carrières."

Cette disposition laisse sauf le principe de la liberté individuelle de la femme majeure. Il n'en est pas moins vrai qu'elle amènera à brève échéance la désertion complète de l'ouvrière du fond des mines, mesure d'ailleurs réalisée, à peu de chose près, dans le bassin de Liège, sans l'intervention de la loi.

Avant l'Arrêté de Police des Mines du 24 Avril, 1884, les enfants du sexe féminin étaient admis dans les travaux souterrains à l'âge de 12 ans. Aux termes du Décret du 3 Janvier, 1813, ils auraient pu l'être dès l'âge de 10 ans. Or, rien que l'application de l'Article 69 de cet Arrêté qui vint exclure des travaux souterrains les garçons de moins de 12 ans et les filles de moins de 14 ans, eut cette conséquence de faire descendre, en trois ans, le chiffre proportionnel des filles et des femmes de 38 pour cent.

Fin 1887, les charbonnages de Belgique occupaient à l'intérieur des travaux 77,490 ouvriers, dont 3,961 femmes et filles. Le cas de l'emploi de la femme mariée est tout exceptionnel, et il est à remarquer que très généralement, sous le régime actuel, la femme abandonne le travail des mines entre les âges de 20 et 25 ans et même avant.

Aussi, lorsque bientôt, la femme sans apprentissage du séjour de la mine, arrivera à l'âge où son admission serait légale, cette femme sera entrée dans une autre

voie professionnelle et sera le plus souvent mariée. Dans tous les cas, sans l'entraînement de l'exemple, elle se refusera à revêtir le costume du travail des mines.

M. Harzé déclare que depuis longtemps il est, avec beaucoup d'ingénieurs et d'exploitants, opposé au travail des femmes dans les mines. Mais sans méconnaître les inconvénients moraux de la présence simultanée des hommes et des femmes dans les mines, il estime que les filles employées dans les houillères n'ont pas à subir, vis-à-vis des autres ouvrières industrielles ou agricoles, des comparaisons désavantageuses. La fille de fosse se donne parfois, elle ne se vend jamais. Et lorsqu'il y a faute, c'est rare que la réparation ne suit pas. L'inaction plus que le travail dans les charbonnages engendre le vice. Mais dans la mine, la nature de la femme s'imprègne d'une rudesse masculine et ce séjour prépare fort mal la jeune fille à son futur rôle d'épouse et de mère.

L'interdiction du travail souterrain aux jeunes filles réclamait la création d'écoles ménagères. Il a été pourvu à cette nécessité.

M. de Castro fait connaître que d'après la Loi de 1873 les femmes peuvent travailler dans les mines de l'Espagne. Mais le cas est exceptionnel.

Mr. Dale constate que depuis cinquante ans environ le travail des femmes dans les exploitations souterraines est interdit en Angleterre.

M. Bodio dit que ce travail n'est pas légalement interdit en Italie. Mais, en fait, il n'y existe pas.

M. Snyder van Wissenkerke expose que dans les Pays-Bas il n'y a aucune personne au-dessous de 18 ans, ni aucune femme travaillant dans les exploitations souterraines, bien qu'aucune défense légale n'existe à cet égard. D'après une Loi récente, une telle défense peut être portée par le Roi et atteindre les femmes et filles de tout âge et les enfants masculins au-dessous de 16 ans. La Délégation des Pays-Bas est par conséquent autorisée à adhérer à la première question du programme.

M. le Président soumet au vote la question de l'interdiction du travail de la femme dans les mines.

Elle est résolue affirmativement à l'unanimité, avec l'insertion de la note suivante expliquant le vote des Délégués Belges :—

" En s'associant au vœu de la disparition des femmes des travaux souterrains des mines, les Délégués de la Belgique n'entendent pas prendre, au nom de leur Gouvernement, l'engagement de proposer de modifier la récente législation Belge ; mais ils expriment l'opinion que le résultat désiré par la Commission sera réalisé par l'action même de la Loi du 13 Décembre, 1889, qui interdit l'accès des travaux souterrains aux femmes de moins de 21 ans.

M. Brasseur (Luxembourg) ayant siégé dans une autre Commission a fait parvenir après la séance la note suivante :—

" D'après les lois en vigueur dans le Luxembourg, aucun enfant (des deux sexes) ne peut être admis dans les travaux souterrains des mines et minières, et suivant un Projet de Loi soumis aux délibérations de la Chambre, les filles et les femmes de tout âge ne peuvent être admises comme ouvrières dans l'exploitation des mines et minières.

" L'exclusion des filles et femmes est exigée dans l'intérêt des mœurs. Dans tous les pays l'expérience a prouvé les effets funestes de l'admission des filles et femmes dans les travaux souterrains ; des enquêtes faites dans certains pays ont acquis une triste notoriété. Elle est encore exigée au point de vue social du développement des pays, car il ne faut pas oublier que les filles et femmes sont destinées à créer les générations futures. Enfin, cette exclusion s'impose dans l'intérêt même de la classe ouvrière. En effet, il faut à l'ouvrier un foyer domestique. Il ne peut trouver ce bonheur si son intérieur n'est pas géré par l'épouse ménagère et économe, par la mère de famille chargée de soigner et surveiller les enfants."

IV.—*Séance du* 20 *Mars,* 1890.

M. le Président appelle la discussion sur la deuxième question :—

" La journée de travail dans les mines offrant des dangers particuliers pour la santé, doit-elle être soumise à des restrictions ? "

Il expose les circonstances qui peuvent, en Allemagne, rendre certaines mines nuisibles à la santé de l'ouvrier ; chaleur due à la profondeur ou aux incendies, insuf-

fisance d'aérage, &c. Le travail dans l'air comprimé ou dans l'eau peut aussi donner lieu à des inconvénients graves. Enfin, des dangers spéciaux peuvent naître de la nature des minerais.

L'attention des Administrations des Mines pourrait être appelée sur ces divers points. Un exemple d'une réglementation régionale sur la salubrité du travail des mines se rencontre en Westphalie. L'ouvrier ne peut travailler plus de six heures par jour dans la mine, lorsque la température atteint 29 degrés.

Il invite MM. les Délégués à fournir des renseignements sur ce qui se passe chez eux lorsque ces circonstances se présentent.

M. Harzé rappelle que dans son pays on n'extrait aucune matière toxique. L'exploitation des mines réside surtout dans l'extraction de la houille, et pour cette industrie si puissamment éclairée par la science, il est une solution plus radicale que celle qui lui semble découler de la proposition.

Cette solution, c'est d'armer suffisamment l'Administration pour faire disparaître le danger, et au besoin, par l'arme de l'interdiction. Bien entendu, une intelligente sévérité n'est pas exclusive de la voie de conseil et du tact.

Le Règlement de Police des Mines en Belgique, pris par Arrêté Royal du 28 Avril, 1884, dispose comme suit :—

" Art. 17. Dans toute exploitation souterraine, l'assainissement de tous les points accessibles aux ouvriers sera assuré par un courant suffisant d'air pur.

" La vitesse de ce courant et la section des galeries seront partout réglées en raison du nombre des ouvriers, de l'étendue des travaux, et des émanations naturelles de la mine.

" Les galeries servant au parcours de l'air devront être facilement accessibles dans toutes leurs parties.

" Art. 18. La ventilation sera déterminée par des moyens efficaces, réguliers, continus et exempts de tout danger.

" Art. 19. Tout courant d'air vicié par un mélange de gaz délétères ou inflammables, au point de constituer une cause de danger pour la santé ou la sécurité des ouvriers, sera soigneusement écarté d'un atelier quelconque et des voies fréquentées.

" L'étendue des ateliers de travail sera limitée, au besoin, de manière à soustraire les ouvriers placés sur le retour du courant, aux effets nuisibles d'une trop grande altération de l'air.

" Art. 20. Les remblais établis tant pour soutenir les roches que pour séparer les voies de roulage des voies d'aérage correspondantes, seront partout rendus aussi serrés et entretenus aussi imperméables que possible.

" Art. 21. Ces remblais seront avancés en tout temps à une distance convenable des fronts de travail afin que le courant d'air soit toujours suffisamment actif pour empêcher les gaz nuisibles de s'y accumuler ; on évitera toutefois une accélération trop grande de la vitesse du courant."

On le voit. Le nouveau Règlement ne considère pas seulement l'entraînement du grisou comme répondant au but du bon assainissement des mines ; il n'envisage pas seulement la sûreté de l'exploitation mais aussi la santé du travailleur. Et voici comment, pour atteindre ce double but, l'Article 17 ci-dessus est commenté dans une Circulaire du Directeur-Général des Mines de Belgique sous la date du 8 Juin, 1886 :—

" L'Article 17 consacre le principe que les exploitations souterraines doivent être ventilées de manière à y prévenir la présence de gaz inflammables ou toxiques, dans une proportion telle que l'atmosphère de la mine devienne dangereuse pour la sûreté des travaux ou nuisible à la santé des ouvriers. A cet égard, il n'est guère possible de donner des indications précises et faciles à contrôler dans la pratique ; mais certains états de la flamme des lampes, une température trop élevée dans les chantiers, un malaise dans la respiration sont autant d'indications qui appelleront l'attention de l'ingénieur et l'autoriseront, au besoin, à réclamer une amélioration de l'aérage. Dans tous les cas, il importe que la quantité d'air ne descende jamais en dessous de 10 à 12 litres par seconde et par ouvrier occupé dans les travaux et dans les voies qui y aboutissent, chaque cheval circulant dans ces voies étant compté pour trois ouvriers. En général, dès que la température dans les travaux souterrains dépassera 25 degrés, il y aura lieu d'activer la ventilation sans que, toutefois, dans les mines très grisouteuses, la vitesse du courant soit supérieure à 2′ 50″ dans les tailles des couches en plateure ; dans celles des couches en dressant, il sera même prudent de rester sensiblement en-dessous de cette vitesse."

La Belgique a eu comme d'autres pays miniers des exploitations malsaines. Mais

grâce à la puissante ventilation mécanique dont ce pays a été l'initiateur, et à des puits de grande section, ces exploitations ont aujourd'hui bons poumons et bonnes voies respiratoires.

Nombre de houillères Belges ont dépassé la profondeur de 700 mètres. L'une a même une exploitation établie à la profondeur de 940 mètres. Un puits se trouve foncé en reconnaissance à 1,100 mètres. Cette situation de grandes profondeurs a certes créé des difficultés. Mais elles ont été vaincues, car la température est généralement au-dessous de la limite indiquée dans la Circulaire précitée.

Quant aux dangers du travail des ouvriers dans l'air comprimé pour le passage des terrains aquifères, M. Harzé reconnaît qu'ils sont réels. Aussi mieux vaut dans ces cas recourir à d'autres procédés de foncement, tels que ceux de MM. Kind et Chaudron, Poetsch, et autres.

L'eau lorsqu'on ne peut en abriter les ouvriers rend le travail pénible. Aussi l'exploitant doit-il tenir compte de cette circonstance dans la délimitation de la journée. Il serait malaisé d'établir une formule de cette délimitation, les circonstances étant très différentes suivant les cas. Les mines Belges sont généralement sèches.

M. Haberer dit qu'il n'y a pas de restrictions spéciales en Autriche. Les journées sont de durées très diverses. On pourrait faire quelque chose pour les limiter; mais il serait difficile de prévoir tous les cas et de légiférer sur cet objet. C'est par voie administrative qu'il conviendrait de procéder.

M. de Castro expose qu'en Espagne, certaines mines présentent des circonstances spéciales. Aux mines d'Almaden les émanations mercurielles imposent des précautions particulières. La journée du mineur ne peut excéder six heures; c'est même un maximum qui n'est pas toujours atteint.

Les ouvriers ne travaillent que quinze jours par mois à l'intérieur. Pour les autres jours, leurs services sont généralement utilisés à la surface.

Aux mines de la Sierra Almagura, mines de plomb argentifère très riches, l'exploitation est devenue très difficile depuis qu'elle a atteint le niveau de la mer. La température y est très élevée à cause notamment de la rencontre de sources thermales accusant plus de 45 degrés de chaleur. Dans ces conditions on a dû limiter le nombre d'heures de travail.

Pour les autres mines, il n'y a pas opportunité à prendre des mesures spéciales. D'ailleurs, le Gouvernement va bientôt être armé d'une Loi qui lui permettra d'imposer les mesures de sécurité jugées utiles.

M. Linder fait observer que la France ne possède pas de mines du genre de celles dont il vient d'être parlé. Ses quelques mines de galène ne sont pas spécialement malsaines.

Pour l'ensemble des exploitations minières, les Lois et Règlements permettent à l'Administration des Mines d'intervenir au double point de vue de la sécurité et de la salubrité.

Les lois Françaises permettent en outre, en cas de résistance pour certains travaux à faire par les exploitants, de les exécuter d'office et en cas de refus pour l'exploitant de payer les frais, de considérer la mine comme abandonnée et de la remettre en adjudication.

Le point sur lequel il y a lieu de veiller spécialement est l'aérage. C'est pour assurer une bonne ventilation, en même temps que pour assurer aux ouvriers une seconde issue dans le cas de l'inaccissibilité de la première, qu'on exige aujourd'hui pour chaque exploitation deux puits suffisamment éloignés l'un de l'autre. On s'efforce de conduire partout une quantité d'air convenable. L'emploi de l'air comprimé comme véhicule de force pour certains services, contribue aussi à l'assainissement de la mine.

L'aérage est contrôlé avec soin, par des jaugeages anémométriques suffisamment fréquents. Des plans d'aérage sont tenus avec soin. L'Administration des Mines obtient beaucoup des exploitants, le plus souvent par des conseils, sans avoir à recourir aux mesures coercitives.

La question des poussières a fait aussi l'objet de nombreuses études et des précautions sont prises pour en écarter le danger. Enfin le service de l'éclairage et l'usage de nouveaux explosifs tendant à éviter l'inflammation du grisou ont fait l'objet de longues études de la part des Ingénieurs des Mines, études qui se poursuivent.

M. Linder insiste pour que les directeurs des travaux descendent fréquemment dans leurs exploitations et non seulement les maîtres mineurs.

Grâce à ces moyens d'action, le nombre d'ouvriers tués par 10,000 ouvriers qui pendant la période de 1861 à 1870 avait été de 30·11, se trouve réduit pour la période

1881, à 1888 à 16·74, ainsi qu'a bien voulu le constater son collègue de Belgique, lors du Congrès International des Accidents tenu récemment à Paris.

Mr. Dale demande si les ouvriers en Belgique ont le droit de s'assurer, par la visite de délégués, des mesures de sécurité dont dispose la mine.

M. Harzé répond qu'il n'y a pas de dispositions leur permettant cette faculté. Mais, ajoute-t-il, l'ouvrier ne réclame jamais en vain l'intervention des ingénieurs lorsqu'il appréhende un danger. Cette intervention se produit aussi à l'occasion de certains conflits, réclamations au sujet des caisses de prévoyance, grève, &c.

M. Burdeau signale que cette surveillance ouvrière paraît devoir être établie prochainement en France.

M. le Président signale l'établissement aux mines de Saarbrück de délégués ouvriers ayant entre autres missions celle de veiller à ce que le réglement du travail et les prescriptions relatives à la santé et à la sécurité des ouvriers soient ponctuellement exécutés par leurs camarades.

Mr. Dale indique que les directeurs d'exploitation doivent acquérir un certificat de capacité devant un jury d'examen. Quant aux ouvriers, ils ont le droit de nommer deux ou trois camarades avec mission d'examiner la mine au point de vue de la sécurité des travaux et de faire rapport sur cet objet.

Les lois Anglaises ne contiennent aucune prescription pour limiter le nombre d'heures de travail des adultes dans les mines.

Sir John Gorst expose que les mines de la Grande-Bretagne sont soumises à la Loi de 1887, qui a été demandée par les Associations des Mines elles-mêmes. Les Délégués Anglais ne pourraient donneur leur adhésion à un vœu qui limiterait le nombre d'heures du travail quotidien des adultes masculins.

M. le Président observe de nouveau que la question ne vise que les mines qui présentent des dangers spéciaux.

V.—*Séance du* 22 *Mars,* 1890.

M. le Président appelle la discussion sur la continuation de l'ordre du jour et invite M. Bodio à prendre la parole :

M. Bodio observe que l'industrie des mines a une certaine importance en Italie dans les Iles de la Sardaigne et de la Sicile. Dans le district d'Iglésias (Province de Cagliari), on exploite la calamine et la galène.

Un Rapport sur les mines de la Sardaigne est présenté chaque année par l'Inspecteur du district.

Les Sociétés concessionnaires de ces mines entretiennent de bonnes institutions de prévoyance et de secours mutuels parmi les ouvriers.

La Sicile a ses grands gisements de soufre qui ont fait naître de nombreuses exploitations. En 1889, la valeur de l'extraction a été de 23,000,000 fr. Le travail n'est pas excessivement dur pour les adultes, mais il est singulièrement épuisant pour les enfants qui ont à porter à dos des blocs de minéral en remontant d'étroites échelles établies dans des puits dont la profondeur atteint 150 mètres et même davantage.

Le traitement du minéral est fait pour la plus grande partie par la méthode primitive de calcination. Sur 300,000 tonnes de soufre, 30,000 tonnes sont fournies par le traitement à la vapeur d'eau, et 15,000 par les fours Gills qui offrent l'avantage de dépouiller les gaz de l'anhydrite sulfureux, tandis que l'ancienne méthode des Calcaroni détruisait la production agricole à plusieurs kilomètres à la ronde.

Pour ce qui concerne la protection des ouvriers, il faut remarquer avant tout que l'Italie n'a pas une législation minière uniforme.

En Toscane (exception de l'Ile d'Elbe où les mines sont domaniales) la propriété du sous-sol n'est pas séparée de celle de la surface. Dans les autres provinces, c'est le système de la concession qui domine. Dans les provinces Vénitiennes, c'est la Loi de 1854 qui est en vigueur. Dans l'ancien Royaume de Naples et de Sicile, la Loi date de 1826. Une Loi plus moderne est celle de 1859 qui s'étend au Piémont, à la Liguric, à la Lombardie, aux Marches, et à l'Ile de Sardaigne.

Pour ce qui concerne la Sicile, il importe de noter que d'après une Ordonnance Royale de 1808, les mines de soufre constituent une dépendance de la surface et que le propriétaire du sol est admis à les exploiter sans en obtenir une Concession dans le véritable sens du mot et à la seule condition de payer une taxe comme reconnaissance du haut droit de l'État. Par suite de ce régime, les Ingénieurs des Mines n'ont pas vis-à-vis des exploitations de soufre les mêmes facultés dont ils sont investis pour la surveillance des autres mines.

Pour ce qui a trait à la protection des travailleurs, M. Bodio croit utile d'indiquer les dispositions essentielles de la Loi du 20 Novembre, 1859. L'Ingénieur du corps des mines a le droit de proposer des mesures pour la sûreté des personnes et aussi dans l'intérêt de la conservation de la richesse minérale. Il s'adresse d'abord à l'exploitant et lui laisse ses recommandations écrites. Si celui-ci ne se conforme pas aux instructions reçues, l'Ingénieur adresse un Rapport au Préfet, qui ordonne les travaux à exécuter.

La dite Loi fixait à 10 ans la limite inférieure de l'âge pour l'admission des enfants dans les travaux intérieurs de la mine.

Un Projet de Loi vient d'être présenté par le Ministre du Commerce et de l'Industrie à la Chambre des Députés afin d'établir le système de l'assurance obligatoire contre les accidents, basé sur le principe du risque professionnel, c'est-à-dire, de la responsabilité de l'exploitant, non seulement pour sa faute mais aussi pour le cas fortuit et celui de force majeure.

Enfin, pour obvier aux lacunes des Lois particulières régissant les régions ou provinces dans lesquelles la Loi de 1859 n'avait pas été promulguée, on y a étendue en 1859, par voie administrative, les dispositions de cette Loi pour tout ce qui concerne la responsabilité des exploitants, les secours immédiats à donner aux blessés. On a été même jusqu'à généraliser la limité inférieure de l'âge d'admission (10 ans) pour les enfants occupés aux travaux souterrains. Ces dispositions n'ayant pas la sanction d'un texte de Loi, l'Administration s'est trouvée parfois désarmée contre ceux qui se refusaient à s'y conformer. Néanmoins, elles ont été, dans la plupart des cas, un expédient efficace, en attendant qu'une Loi générale puisse être promulguée pour tout le territoire du Royaume.

M. de Graenzenstein constate que la question d'assurer la salubrité des mines est l'objet d'études actives, spécialement en Belgique, en France, et en Allemagne. Cependant les efforts faits ne protègent pas toujours suffisamment les ouvriers.

Aussi propose-t-il la motion suivante : " Il est désirable que la journée de travail dans les mines ou chantiers de mine qui offrent des dangers particuliers pour la santé, soit soumise à des restrictions dans les cas où les conditions des exploitations soient telles que malgré toutes les précautions prises, la santé des ouvriers est néanmoins en danger."

M. Harzé estime que l'adoption de cette proposition pourrait tendre à endormir l'esprit de recherche. Il rappelle les progrès accomplis en Belgique dans la ventilation des mines, progrès qui permettent de les exploiter à d'énormes profondeurs en restant très au-dessous de la limite de température qui justifie en Westphalie la limitation de la durée quotidienne du travail. Et l'on irait modiffer un régime en harmonie avec le génie industriel du pays, régime qui a fait ses preuves en donnant des résultats si merveilleux ! M. Harzé considérerait cette modification comme une imprudence à l'égard des ouvriers. Il faut plutôt affirmer que l'exploitant est tenu à faire usage de tous les moyens que l'art des mines éclairé par la science indique pour assurer l'hygiène des travaux souterrains et sauvegarder ainsi la santé des ouvriers. Au besoin l'exploitant doit les rechercher. Le principe devrait être énoncé dans la Résolution à prendre.

M. le Président répond que les mines profondes dont parle M. Harzé ne sont pas atteintes par la Résolution ci-dessus et quant au principe, son énoncé pourrait plutôt être mentionné à l'occasion de l'examen de la troisième question. M. Harzé reconnaît que les dites mines ne peuvent aujourd'hui être atteintes. Mais lorsque l'exploitation se trouvera en présence de difficultés nouvelles, l'exploitant ne préférera-t-il pas, à un remède radical, la restriction dans le nombre d'heures de la journée de travail ? Or, M. Harzé se défie des empoisonnements lents.

M. le Baron Greindl parle du point de vue légal et constitutionnel. Le principe de la liberté et de la responsabilité individuelle des adultes domine toute la législation Belge.

M. le Président fait remarquer que la proposition ne restreint pas la liberté individuelle.

M. le Baron Greindl réplique que c'est à l'ouvrier de prévoir dans son contrat les difficultés spéciales du travail.

M. de Castro (Espagne) appelle l'attention sur ce que les lois de réglementation de l'espèce sont souvent faites par des personnes connaissant peu les mines. Il voudrait l'introduction dans le texte d'une phrase indiquant que les restrictions devraient être indiquées par les autorités techniques.

M. de Graenzenstein ne pensait pas que le texte si général de sa proposition pût

soulever des objections. Ce texte ne vise en effet que les mines qui ne peuvent devenir salubres bien que toutes les précautions aient été prises.

Mr. Dale (Grande-Bretagne) approuve l'opinion exprimée par les Délégués Belges. Les principes de la législation Anglaise sont aussi contraires à la proposition. Il peut être des circonstances qui justifieraient une limitation de la journée. Mais il faut laisser à chaque pays le soin d'arriver à cette fin par un accord entre les patrons et les ouvriers.

M. Linder partage le sentiment d'appréciation de M. Harzé. Il rappelle en outre que la législation Française arme suffisamment l'Administration pour faire modifier le mode d'exploitation, obliger l'exploitant à des mesures de sécurité, et même aller jusqu'au retrait de la Concession.

M. de Castro propose la solution suivante : " Les Délégués estiment qu'on ne peut admettre des restrictions dans la journée de travail des mines que d'après le jugement des fonctionnaires compétents, d'après la loi de chaque pays."

M. Burdeau précise l'esprit qui anime les Délégués Français. Ici se pose la question de savoir si l'État a le droit de limiter la journée de travail des adultes. Si l'État peut agir pour protéger les enfants et les adolescents, il doit laisser aux adultes la libre disposition de leur travail. Depuis six ans, l'État a reconnu les syndicats ouvriers en vertu d'une Loi dont il ne faut pas compromettre l'application. Il faut tendre au contraire à laisser de plus en plus à l'ouvrier la liberté d'organiser les conditions de son travail d'accord avec son patron.

M. le Président répond que l'Allemagne tient aussi le plus grand compte de la liberté de l'ouvrier.

La séance est suspendue à la demande de quelques membres. A sa reprise, M. le Président donne lecture de la proposition suivante après en avoir conféré avec quelques Délégués : " Il est désirable que dans les cas où l'art des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mine, la durée du travail soit restreinte. Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers, selon les principes et la pratique de chaque nation."

M. le Baron Greindl propose d'ajouter avant " selon les principes " les mots " ou autrement."

M. de Graenzenstein retire sa proposition et se rallie à celle de M. le Président. M. de Castro en fait autant.

La Résolution est adoptée à l'unanimité avec l'addition proposée par M. le Baron Greindl.

La Commission passe à l'examen de la troisième question, ainsi conçue :—

" Pourra-t-on dans l'intérêt public, pour assurer la continuité de la production du charbon, soumettre le travail dans les houillères à une réglementation internationale ? "

M. le Président expose que cette question intéresse toutes les nations, même celles qui ne sont pas productrices de charbon. Pour atteindre le but en vue il faudrait une entente internationale. L'étude complète de la question pourrait entraîner la Commission à des discussions très longues à propos de salaires et d'économie sociale.

L'organisation d'institutions humanitaires touche aussi à cette question.

Des rapports plus fréquents entre les fonctionnaires des mines et les ouvriers pourraient avoir leur utilité pour l'apaisement des conflits.

L'augmentation du délai pour la dénonciation du travail rendrait les grèves loyales plus difficiles et leurs conséquences moins désastreuses. Mais un tel moyen a peu de chance d'être admis, car il exigerait l'intervention du Pouvoir Législatif.

Un membre de la Conférence voudrait attacher l'ouvrier à l'exploitation par une assurance dont les effets cesseraient dès que l'ouvrier se mettrait en grève.

M. le Président termine cette communication en invitant MM. les membres de la Commission à exposer, lors de la prochaine séance, leurs idées à ce sujet.

VI.—*Séance du 24 Mars*, 1890.

M. le Président donne la parole à Mr. Dale pour exposer de quelle façon sont résolues par accord amiable entre les patrons et les ouvriers les contestations relatives au travail dans les mines du Nord de l'Angleterre.

Mr. Dale rappelle qu'il y a vingt-cinq ans environ il y eut de nombreuses et

longues grèves dans ce district ; à cette occasion eurent lieu des Conférences entre les "employers" pour rechercher le moyen d'assurer la régularisation des salaires ; ce patrons refusèrent d'abord de négocier avec les ouvriers pris en corps ; mais enfin, sur les conseils de quelques-uns d'entre eux plus prévoyants, ils se décidèrent à reconnaître l'Union des ouvriers d'un même district minier, et ce principe, une fois posé, fut la base essentielle du système actuel de pacification ; il a été établi, il y a environ vingt ans.

Les rapports se bornèrent d'abord à des réunions des représentants des patrons et des ouvriers pour discuter une question spéciale. Puis on a admis pour toutes les questions le principe de l'arbitrage qui est appliqué de la façon suivante : chaque partie choisit un nombre égal d'arbitres, deux en général, et ces arbitres choisissent un chef arbitre ; cette dernière fonction est acceptée volontiers par les personnages les plus considérables.

Enfin, comme la question le plus souvent soumise à ces cours d'arbitrage était la relation des salaires avec le prix de vente des charbons, on fut conduit, pour trancher les questions de ce genre, à rechercher ce dernier élément dans les livres de comptabilité des exploitants par l'intermédiaire d'un comptable-expert.

Le principal moyen, employé pour réaliser cette relation entre les salaires et les prix de vente, fut l'établissement d'une "sliding scale" ou échelle mobile des salaires.

La "sliding scale" a pour objet de fixer un rapport numérique entre le taux des salaires et le prix de la houille.

Pour l'établir au début, on a quelquefois employé le moyen suivant : on prend cinq années consécutives de l'exploitation correspondant à des variations importantes des prix de vente et des salaires, ceux-ci ayant été modifiés par des grèves, des accords, et des arbitrages ; on divise ces années en vingt trimestres ; pour chaque trimestre, on détermine le prix moyen de la houille ainsi que le taux des salaires, et on dégage le rapport numérique de ces deux nombres ; la moyenne de ces rapports numériques est considérée comme représentant le rapport normal qui doit exister entre les salaires et le prix de vente du charbon.

L'échelle, étant ainsi établie, on détermine le prix moyen de vente pour toutes les exploitations du district au cours du dernier trimestre, on applique à cette base le rapport numérique normal ci-dessus défini, et on obtient ainsi le taux des salaires pour le trimestre courant. On recommence cette opération à chaque nouveau trimestre.

Ces calculs sont faits par deux experts-comptables, désignés respectivement par l'Union des ouvriers et par celle des patrons. Ces experts se font ouvrir la comptabilité de toutes les exploitations, mais ils en gardent le secret, et se bornent à délivrer un certificat attestant : (1) que le prix moyen de la houille pour le district durant le dernier trimestre est fixé à tel chiffre ; (2) qu'il en résulte tel taux salaires.

De cette façon, les ouvriers obtiennent sans négociations, sans grèves, sans arbitrages les mêmes salaires auxquels ils n'auraient pu espérer d'arriver autrement que par un déploiement d'efforts variés.

La loi numérique reliant les salaires aux prix de vente est établie en général pour deux ans ; à partir de ce délai, elle peut être dénoncée par l'une des parties en prévenant six mois à l'avance ; mais depuis six ans la première échelle mobile n'a reçu que peu de modifications.

Elle vient d'être dénoncée momentanément par les patrons du Northhumberland et par les ouvriers de Durham ; Mr. Dale pense que ces dénonciations n'ont pas pour objet la suppression du système, mais la révision de l'échelle qui était en vigueur.

On cherche dans les districts où l'application de la "sliding scale" est momentanément suspendue, à prendre pour base, non les prix du trimestre précédent, mais ceux du trimestre courant autant qu'on peut les conjecturer. Les ouvriers sont ainsi renseignés officiellement sur les prix de vente du jour, et c'est là un avantage, car les grèves naissaient souvent de l'ignorance où était l'ouvrier de la situation réelle du commerce des charbons.

Quant aux questions locales, n'intéressant pas l'ensemble du district, elles sont traitées par des "Joint Committees," ou Commissions Mixtes, formées de Délégués en nombre égal des ouvriers et des patrons ; elles prennent comme Président soit le Président de la Cour du Comté, soit un autre personnage élevé.

Ces Commissions se réunissent tous les quinze jours environ : leurs décisions portent effet à partir du jour de la réclamation.

Mr. Dale constate qu'en général les Unions d'ouvriers ont maintenant à leur tête des hommes intelligents, et dans ce cas les relations sont faciles entre ouvriers et patrons : dans le Durham par exemple l'Union des mineurs a quatre Secrétaires qui

donnent tout leur temps aux intérêts de l'Association; dans ce district la Commission Mixte règle plus de 500 cas par an.

Sur l'invitation de M. le Président, Mr. Dale donne quelques renseignements sur la grève de ces jours derniers: cette grève n'a pas touché les districts du Nord, où les relations sont bonnes, quoique la "sliding scale" ait été dénoncée provisoirement.

Il fait remarquer en outre que les grèves provenaient souvent autrefois de l'action des contre-maîtres, qui traitaient parfois durement les ouvriers; l'établissement des "Joint Committees," où l'ouvrier est traité comme un égal, a eu pour résultat d'adoucir ces relations entre contre-maîtres et ouvriers.

Mr. Dale pense que ce système est le meilleur pour éviter les crises; les décisions des Commissions d'Arbitrage et des "Joint Committees" sont généralement respectées; c'est le principe de l'arbitrage qui se substitue à la lutte par la grève.

M. Haberer, au nom de l'Autriche et de la Hongrie, signale les deux points auxquels la question doit être envisagée: il s'agit d'une part de prévenir les grèves, d'autre part d'en paralyser les effets.

Pour éviter les grèves, il s'agit d'attacher l'ouvrier à la mine par divers avantages; on peut par exemple mettre à sa disposition des maisons et jardins qu'il acquiert à bas prix. Il y a lieu de recommander aussi les primes d'ancienneté accordées aux ouvriers sous forme d'augmentation de salaires; ce système a été essayé en Autriche, mais c'est là une question qui doit être réglée par les particuliers et la loi ne peut y intervenir.

On doit également dans le même but propager les Caisses de secours pour les invalides par suite d'accidents, pour les veuves et les orphelins. Ces institutions sont efficaces pour arriver au but cherché, pourvu que les statuts fassent perdre aux ouvriers qui abandonnent un établissement ou quittent le travail le bénéfice de leurs cotisations antérieures. C'est ce qui existe en Hongrie; mais en Autriche, la Loi du 28 Juillet, 1889, a prescrit que les droits acquis à un ouvrier par ses versements antérieurs ne pouvaient être perdus pour lui lorsqu'il quitte une compagnie: ces sommes doivent lui être remboursées, ou être versées à la Caisse du nouvel établissement dans lequel il entre.

Il pourrait être utile aussi que le délai de dénonciation du contrat, qui lie l'ouvrier au patron, soit porté à quatre semaines; mais cette mesure n'aurait pas grand effet, car les ouvriers, en cas de grève, ne respectent généralement pas ce délai; en outre, il serait difficile de donner une sanction à une Loi de ce genre.

Enfin, un autre moyen de prévenir les grèves consiste à établir des Comités Mixtes de patrons et ouvriers destinés à s'interposer et à examiner les réclamations; ces Comités fonctionnent comme Tribunaux d'Arbitrage.

Mais tous ces moyens sont inefficaces lorsqu'éclatent des grèves générales; il faut alors chercher à en paralyser les effets; dans ce but, il est utile de posséder des stocks importants; mais on peut aussi, pour diminuer les effets d'une grève, attirer momentanément les houilles des pays voisins en facilitant leur entrée à la frontière et en abaissant les tarifs de chemins de fer.

M. Harzé fait remarquer que les circonstances dans lesquelles se produisent les grèves sont des plus diverses. Ces événements surgissent en temps de prospérité comme en temps de misère. On les voit éclater en Angleterre, en Allemagne, en Belgique, et en France, malgré des régimes politiques et économiques très différents.

Ce qu'il importe d'assurer à l'ouvrier, c'est abord la salubrité et la sécurité du travail, et le cas échéant, la réparation des accidents ainsi que le soulagement dans la maladie, l'invalidité prématurée, et les infirmités de la vieillesse. Ce qu'il réclame aussi dans l'ordre économique, c'est un salaire convenable pour un travail quotidien d'une durée non exagérée.

En Belgique, comme ailleurs, on s'efforce d'éviter les accidents. Un service spécial a même été établi pour l'étude scientifique de ces pénibles événements. M. Harzé fait remarquer qu'à la dernière Exposition de Berlin figuraient des graphiques envoyés de Belgique qui prouvent la décroissance du risque professionnel de l'ouvrier mineur dans les houillères de ce pays pendant la longue période de 1831 à 1888. Et il est heureux de constater qu'ils ont appelé la bienveillante attention de Sa Majesté l'Empereur d'Allemagne.

En ce qui concerne la réparation des accidents, la faculté accordée en Belgique aux victimes des accidents ou à leurs ayants droit de recevoir communication des procès-verbaux d'enquête des Ingénieurs des Mines est une facilité pour la revendication de droits éventuels.

Recevoir un salaire convenable pour une journée d'une durée non exagérée est pour l'ouvrier un grand objectif. Le salaire moyen annuel de l'ouvrier mineur Belge, très différent dans les divers centres houillères du pays, est moindre que dans le Nord de la

France et probablement que dans le bassin de la Ruhr. En 1888, il s'est chiffré à 869 fr. pour tout le pays et à 910 fr. pour le bassin de Liège.* Depuis, le salaire a augmenté sensiblement. D'ailleurs, on doit tenir compte de cette circonstance qu'en Belgique l'emploi de nombreux demi-ouvriers affaiblit le salaire général moyen. Puis, il importe surtout d'envisager la "capacité" ou "le pouvoir d'achat" du salaire. Or, en Belgique le pain est relativement à bon compte, le logement également, ainsi que les consommations du ménage, par exemple le pétrole.

Il n'est pas hors propos de rappeler ici que les conditions de productivité du charbon sont très différentes d'un pays à l'autre.

De 1885 à 1887 la production annuelle de la houille, par ouvrier du fond, a été de :—

	Tonnes.
En Angleterre	410
En Prusse	352
Dans le Nord de la France	295
En Belgique	232

Ces chiffres sont d'une éloquence brutale, et pour comble de regret, il faut ajouter que l'effet utile de l'ouvrier progresse moins dans les anciennes régions houillères de la Belgique que dans les bassins neufs de l'étranger qui, tout en profitant des avantages inhérents aux conditions d'exploitation, s'assimilent une population de plus en plus aptes aux travaux souterrains.

Peut-être objectera-t-on que le faible rendement de l'ouvrier houilleur en Belgique résulte de l'emploi d'un grand nombre de demi-ouvriers. Mais des demi-ouvriers existent partout. D'ailleurs, même en écartant ceux de l'effectif Belge (soit 13,000 garçons et femmes) et en supposant la production intégralement maintenue par les 33,000 ouvriers masculins et adultes restants, l'effet utile de ces derniers ne serait encore par année que de 280 tonnes.

Et cependant le houilleur Belge, lorsqu'il va travailler dans les bassins du Nord et du Pas-de-Calais, y est considéré comme un ouvrier de premier ordre. C'est que là, il a affaire à de belles couches, tandis que notamment dans le "souchant de Mons," il se butte fréquemment à des veines qui, dans les pays concurrents, seraient réputées inexploitables.

Au rendement de l'ouvrier Anglais s'ajoute encore une certaine quantité de minerais de fer et de terres réfractaires, et il est à remarquer que le charbon consommé par les houillères d'Allemagne et de France ne s'élève que vers 6 pour cent de la production totale, tandis qu'en Belgique cette proportion s'élève à près de 10 pour cent. En vue de prévenir les grèves, on a proposé le régime de la conciliation.

A ce sujet M. Harzé signale que la Loi Belge du 16 Août, 1887, a créé des Conseils de l'Industrie et du Travail, composés en nombre égal de chefs d'industrie et d'ouvriers. Ces collèges ont pour mission de délibérer sur les intérêts communs des patrons et des ouvriers, de prévenir et au besoin d'applanir les différends qui peuvent naître entre eux. Cette institution est encore trop récente pour en déterminer la valeur pratique. Il est à espérer qu'elle répondra au vœu de ses auteurs.

M. le Président dit avoir vu dans les mains de M. Harzé des Tableaux de statistique comparée très intéressants. Il engage le Délégué Belge à les remettre à la Commission. M. Harzé satisfera au désir de M. le Président en faisant remarquer que ces Tableaux ont été exécutés sous la haute direction de M. le Directeur-Général Arnould.

M. de Castro expose que l'Espagne ne possède pas jusqu'à présent de mines de houille bien importantes ; elle ne fait pas d'exportation de charbon et il ne s'est pas produit de grèves dans ses charbonnages. Elle n'a donc pas d'observations spéciales à présenter sur la dernière question du programme de la Commission.

M. Linder, à l'occasion de la question de l'arbitrage traitée par Mr. Dale, rappelle à titre de renseignement le rôle joué par l'Administration des Mines Françaises, il y a trois ans, lors de la grève qui s'est terminée par un arbitrage à la satisfaction générale des parties.

Entrant dans le vif de la question, il indique les causes les plus habituelles des grèves, et recherche les moyens à employer pour les écarter. Il indique comme tels : une bonne organisation des mines en vue d'assurer la sécurité des travaux et d'empêcher les mécontentements justifiés parmi les ouvriers ; des institutions de prévoyance, et la stabilité des salaires.

Dans une mine bien conduite, l'Ingénieur doit descendre fréquemment dans le

* Salaire général, hommes, femmes, garçons et filles, tant du fond que de la surface.

travaux pour en connaître lui-même tous les détails et se mettre en contact direct avec les ouvriers, dont il doit personnellement soigner les intérêts aux divers points de vue du travail, du salaire, du recrutement, voire même des punitions, choses trop souvent abandonnées aux soins des maîtres-mineurs, dont le rôle doit être réduit à celui de simples agents de surveillauce d'exécution.

Les salaires peuvent être établis suivant divers principes ; le salaire à la journée ne doit être employé que dans des cas exceptionnels, le salaire à la tâche fixe, limitée par jour, est désavantageux, comme le précédent, pour les bons ouvriers. Le salaire aux pièces ou marchandage réglé par un accord entre le patron et l'ouvrier est le meilleur ; il permet au bon ouvrier de gagner de fortes journées, ce qui est justice ; il y a intérêt dans ce cas à ce que la durée du contrat soit aussi longue que possible, l'ouvrier s'intéressant alors d'autant plus à son travail. M. Linder cite à l'appui de ces considérations des chiffres tirés de diverses exploitations.

Un élément important de la question des grèves est en outre l'absence de chômage et la stabilité des salaires, de manière à éviter toute diminution importante ou brusque de ceux-ci ; il faut s'efforcer de maintenir une régularité aussi grande que possible, ou plutôt d'élever les salaires d'une manière lente et constante. Des chiffres nombreux cités par M. Linder viennent à l'appui de ces indications.

En France, quand la houille a peu de débit, que la production baisse, l'exploitant évite de renvoyer les ouvriers qu'il a en trop ; puisant dans des réserves sagement accumulées dans des années de prospérité, il emploie ces ouvriers à des travaux d'avenir.

M. Linder parle ensuite des diverses mesures prises en faveur des ouvriers : chauffage, logements, écoles, et autres avantages divers, telles que par exemple les institutions coopératives, et les Caisses de secours et de retraites dont il indique sommairement le fonctionnement et la composition, variable au point de vue de leur administration.

En ce qui concerne en particulier les institutions de prévoyance, il montre par quelques exemples l'importance des sacrifices faits par beaucoup de Compagnies houillères, sacrifices qui représentent souvent une fraction considérable des dividendes distribués aux actionnaires, et qui ont tous pour but la double amélioration du bien-être physique et moral de l'ouvrier. C'est à cela, en effet, qu'on dont tendre ; on doit à l'ouvrier autre chose que le salaire.

M. Linder termine par quelques mots sur les syndicats ouvriers et la Loi projetée en faveur des victimes des accidents du travail, laquelle introduit dans la législation un nouveau principe, le risque professionnel.

M. Burdeau rappelle que la principale action à exercer en vue de prévenir les grèves réside dans les moyens patronaux que vient d'indiquer M. Linder : ces moyens consistent à maintenir autant que possible la fixité des salaires, à conserver les ouvriers aux époques de crise ou dans leur vieillesse, à se les attacher dans leur jeunesse en offrant aux enfants à l'âge convenable un travail suffisamment rétribué, à mettre à leur disposition des logements à bon marché, des maisons faciles à acquérir et qui les attachent au sol, à établir avec leur concours des Sociétés Coopératives de consommation, à assurer des secours aux malades et aux blessés, aux veuves et aux orphelins, ainsi que des pensions aux invalides du travail et aux vieillards ; c'est ainsi qu'on peut constituer des familles attachées héréditairement à la profession de mineurs.

Quant à l'État, son intervention propre consiste à assurer la sécurité des travaux, la liberté des personnes, et l'exécution des contrats.

La sécurité fait l'objet de la surveillance de l'Administration, armée à cet effet par la loi ; en outre, la nouvelle Loi à l'étude sur les accidents donnera plus de garanties à l'ouvrier en admettant en sa faveur le principe du risque professionnel.

En ce qui concerne la liberté, on a depuis 1884 fait un progrès important en permettant aux ouvriers de s'entendre et de s'associer publiquement par l'institution des syndicats professionnels. Bientôt peut-être la loi protégera-t-elle directement ces Associations. Les syndicats réalisent l'exercice d'un droit qu'on ne doit pas restreindre ; les grèves elles-mêmes doivent être permises ; quand elles se produisent, l'État n'a d'autre rôle que d'assurer la liberté des travailleurs et le respect des propriétés.

Quant à l'exécution des contrats, l'État n'a pas eu fréquemment à s'en préoccuper. En fait, en cas de grève, l'ouvrier ne respecte pas le délai de dénonciation, qui est en général de huit jours ; les autorités pourraient à la rigueur exiger le respect de cette clause, mais il répugne à nos mœurs d'user de la force pour obtenir le travail, et les autorités Françaises ne recourent en fait qu'à la persuasion qui souvent procure de bons effets.

Les Caisses de secours et de retraites sont aussi des contrats qui lient le patron à l'ouvrier ; dans un cas particulier, on a constaté que les intérêts des ouvriers y avaient

été compromis, et que les fonds de ces Caisses avaient été consacrés à une entreprise qui a fait faillite: aussi une Loi prochaine garantira-t-elle ces Caisses contre toute malversation.

Enfin l'arbitrage, qui n'a été appliqué en France que d'une manière accidentelle, pourra être réglementé, et une Loi en ce sens est à l'étude; certes on ne prétend pas imposer l'arbitrage, mais ce sera le recommander que de l'entourer de certaines garanties.

En résumé, on espère en France diminuer le nombre des grèves par trois genres de moyens: par les institutions patronales qui adoucissent les relations entre patrons et ouvriers, par les syndicats qui feront de l'ouvrier un homme de plus en plus capable de discuter les conditions de son travail, enfin par l'arbitrage qui s'introduira dans les mœurs à mesure que l'ouvrier saura mieux gérer ses intérêts.

Dans ces questions, l'État n'a à jouer qu'un rôle de gardien de la liberté des personnes et de la loyale exécution des contrats.

M. Hauchecorne, Président, rappelle l'organisation qui existe en Allemagne pour les assurances en cas d'accidents, ou en cas de maladies; il signale la création récente dans les houillères Royales de Saarbrück de délégués des ouvriers chargés de servir d'intermédiaires entre le Directeur et les mineurs.

L'Allemagne se préoccupe aussi actuellement d'établir une Cour Centrale d'Arbitrage (Cour de Justice de l'Industrie) devant laquelle seraient réglés tous les différends entre patrons et ouvriers.

Il constate que la Commission ne semble pas avoir en vue de résoudre la dernière question de son programme par un Règlement International; les diverses communications qui viennent d'être faites ont signalé quelques points de vue généraux qu'il serait utile de recommander à l'attention des divers pays.

La question d'un Règlement International est plutôt d'ailleurs du ressort de la dernière partie du programme de la Conférence; et M. le Président reconnaît que les Délégués ne peuvent à aucun point de vue engager les décisions de leurs Gouvernements.

Mr. Dale propose la Résolution suivante:—

"Il serait désirable, dans le but d'assurer la continuité de la production du charbon, de prévenir les grèves; et l'expérience tend à prouver que le meilleur moyen préventif consiste en ce que les patrons et les mineurs réunis en Associations s'engagent, volontairement et réciproquement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

M. le Président constate que la première phrase ne soulève aucune objection; mais la seconde ne cite qu'un des moyens qui ont été recommandés pour prévenir les grèves.

Après une suspension de séance, M. le Président met aux voix la Résolution suivante:—

"La discussion de la Commission sur la question No. 3 a donné occasion aux Délégués des pays producteurs de charbon d'exposer la situation actuelle du travail dans les houillères et les moyens propres à en prévenir l'interruption.

"De cette discussion sont ressorties les indications suivantes:—

"1. Que la sécurité de l'ouvrier et la salubrité des travaux doivent être assurées par tous les moyens dont dispose la science, et placées sous la surveillance de l'État.

"2. Que les ingénieurs chargés de diriger l'exploitation doivent être exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées.

"3. Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation doivent être les plus directes possible pour avoir un caractère de confiance et de respect mutuels.

"4. Que les institutions de prévoyance destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, sont propres à attacher le mineur à sa profession et doivent être de plus en plus développées.

"5. Qu'il serait désirable, dans le but d'assurer la continuité de la production du charbon, de prévenir les grèves, et que l'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs, réunis en Associations, s'engagent volontairement et réciproquement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

Cette Résolution est adoptée à l'unanimité.

A la suite d'une suspension de séance, il est procédé à une seconde lecture, et la

Résolution répondant à la dernière question du programme de la Commission est adoptée à l'unanimité dans la forme suivante :—

"Il est désirable—

"(*a.*) Que la sécurité de l'ouvrier et la salubrité des travaux soient assurées par tous les moyens dont dispose la science et placées sous la surveillance de l'État ;

"(*b.*) Que les ingénieurs chargés de diriger l'exploitation soient exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées ;

"(*c.*) Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation soient les plus directes possible pour avoir un caractère de confiance et de respect mutuels ;

"(*d.*) Que les institutions de prévoyance destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées ;

"(*e.*) Que dans le but d'assurer la continuité de la production du charbon, on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs réunis en Associations s'engagent volontairement et réciproquement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

(Translation.)

Minutes of the Sittings of the Committee on Mines.

I.—*Sitting of March* 17, 1890.

ON the proposal of M. de Graenzenstein, Dr. Hauchecorne is elected President.

M. Hauchecorne returns thanks.

M. Harzé is appointed Secretary, and M. Pellé, Engineer, appointed to assist him.

The President reads the programme of the questions submitted for the examination of the Committee.

First Question.—Should subterranean work be forbidden—

(*a.*) To children below a certain age ?

(*b.*) To persons of the female sex ?

Second Question.—As the day's work in mines involves risk to the health, should it be restricted ?

The President remarks that this second question does not involve the settlement of a legal duration for the daily labour of the workman in mines generally, but the determination of the restrictions to which such labour should be made subject in the case of special dangers.

Third Question.—Is it possible, in the public interest, and in order to insure the continuous production of coal, to conduct work in the pits under an International Regulation ?

The scope of this last question will eventually be defined.

The Committee, on the invitation of the President, will visit the Royal Institute of Geology and Mines at Berlin.

II.—*Sitting of March* 18, 1890.

According to the order of the day, the discussion turns upon the work of male children in the interior of mines—first part of question No. 1.

While referring to the work of M. Th. Lohmann, the President invites the Delegates, in the alphabetical order of the nations represented, to give information on the position of their respective countries.

Messrs. Haberer, de Graenzenstein, Harzé, Linder, Dale, Bodio, de Castro, Brasseur, Snyder van Wissenkerke, and Hauchecorne respond, in order, to the wish thus expressed.

The following is the result of the information thus given, and of the notes furnished by them :

Austria.—For the overground work connected with mines, the minimum age for the admission of a child is 12 years, with restrictions on his work for the protection of

his physical development and his school duties. For the interior of the works the limit is raised to 14 years.

Hungary.—The age of admission to mines is the same as in other industries. The Inspectors, however, endeavour to restrict the admission to mines of children below 14 years. In fact, there are not more than a few hundred of them.

Belgium.—Law of the 13th December, 1889. For work by day the minimum age of admission is 12 years; for night work the King can authorize admission from the age of 14 years.

Formerly it was the Imperial Decree of the 3rd January, 1813, and then Article 69 of the Royal Edict of the 28th April, 1884, which regulated these points. The Decree fixed the age of admission at 10 years without distinction between day and night work. But save in very exceptional cases the child did not go into the mine till between his 11th and 12th year, and after the religious ceremony of his first communion.

France.—The situation is governed by the Law of the 9th May, 1874, and the Decree of the 12th May, 1875. Children under the age of 12 years cannot be admitted to underground work; those of the female sex cannot be admitted at any age. Young boys from 12 to 16 years are not allowed to work more than eight hours in twenty-four, and that time should be divided by a rest of one hour at least; all fatiguing work, such as getting, boring, and shoring, is forbidden them; when they are employed at turning the ventilators, they may not be occupied more than four hours, divided by a rest of half-an-hour.

These Regulations are about to be improved; a draft Law which has passed the Senate is now before the Chamber of Deputies; if it is carried, it will mark a new advance in the path of progress; the minimum age at which a child can work in the mines will be fixed at 13 years, unless he is furnished with the necessary legal certificates of education and physical aptitude, in which case he may be admitted to work before 13 years. From 13 to 16 years the child will not be actually employed during the day for more than twelve hours, divided by a rest; night work will be altogether forbidden him.

It is noted that the number of children from 12 to 16 years working in the mines (1887) in France and Algeria is:—

In fuel mines—	
Below	4,462
Above	3,243
In other mines—	
Below	42
Above	239
Total	7,986

The question under discussion chiefly affects coal mines. From the point of view of these mines, it is necessary that the limit of age should not be actually fixed above 13. Any measure to the contrary would, in fact, interfere with finding mining hands in countries where labour is scarce and recruiting consequently difficult. The fixture at 14, for instance, of the minimum age of admission to the mines, and maintaining the age at 13 for other industries, would prevent the children of miners from becoming coal-miners; such children, having reached the working age, would be placed in other industries by their parents, and would remain in them.

The age to which the protection of young people extends also calls for remark. That age is now 16 years; it will be maintained.

The apprenticeship in the case of miners is very important; it should begin early, the inexperience of the working miner, on the one hand, involving a diminution of pay in consequence of diminished production, and, on the other, being fatal to his safety. If the workman cannot begin his apprenticeship till after 16 years, he will not have finished it at the age when the Military Law will claim him for some years. When his service is over he will give up the miner's trade, of which he will not have sufficient knowledge, and will choose some other trade which is more simple.

Great Britain.—Work in the interior of mines is forbidden to male children under the age of 12 years. Boys under 16 are not allowed to work underground more than fifty-four hours a-week and more than ten hours a day.

Mr. Dale supplied the following statistical information relative to the year 1888:—

Mines in General.

Above—	
Men and boys	121,970
Women and girls	5,680
Below—	
Men and boys	465,006
Together	592,656

In this total are included 57,711 workmen employed in metal liferous mines and coke works.

There remain 534,945 workmen employed in coal mines, subdivided as follows :—

Above.

	Boys.	Girls.	Men.	Women.	Total.
From 12 to 13 years	228	2	..	..	96,043
From 13 to 16 years	8,729	303	..	..	
Above 16 years	..	..	83,151	3,630	

Below.

	Boys.	Men.	Total.
From 12 to 16 years	42,045	..	438,902
Above 16 years	..	396,730	
From below 12 years, transitionary measure ..	117	..	

Italy.—The labour of children is governed by the Law of the 11th February, 1886, and by the Executive Regulation of the 17th September of the same year.

So far as concerns the interior of mines, the lowest age for the admission of children is 10 years. They cannot be employed more than eight hours by day, and not at all by night, a rule which applies to all industries. For youths from 12 to 15, night work is only allowed for a space of six hours. The law has not hitherto been strictly observed, but it cannot fail to be observed soon, owing to the vigilance of engineers of mines, who exercise a persuasive influence on the miners apart from administrative measures.

M. Bodio communicated some statistics, reproduced as under :—

Sulphur Mines of Sicily.

Years.	Male Sex.		Female Sex.	
	Adults.	Children under 14 years.	Adults.	Children under 14 years.
1885	20,165	8,460	69	55
1886	17,815	7,613	56	17
1887	17,001	5,836	23	19
1888	19,023	5,966	15	20

Sulphur Mines of the Romagnas and the Marches.

Years.	Adults.	Children under 14 years.
1885	3,050	20
1886	3,068	54
1887	2,631	55
1888	2,443	50

MINES in the Island of Sardinia (nearly all Metal Liferous Mines, some Lignite).

Years.	Male Sex.		Female Sex.	
	Men.	Boys.	Women.	Girls.
1885	8,653	606	581	412
1886	8,339	565	645	365
1887	8,726	459	714	231
1888	9,055	499	608	218

Women appearing in these Tables are not employed in underground work.

Spain.—No general rules for children, but at the quicksilver mines of Almaden the miners' work is under restrictions.

In accordance with a draft Law now under consideration, children may not go into mines before the age of 12 years.

Luxemburg.—Only iron mines exist in Luxemburg.

The legislation of the Grand Duchy dates from 1876. It only deals with underground work in iron mines.

Article 2 of the Law of the 21st November, 1876, enacts:—

"Before the age of 16 complete, no child can be admitted to underground work in mines, surface mines, and quarries."

Two main motives induced the Luxemburg legislation to introduce this prohibition.

On the one hand, the interest of the young workmen being taken into consideration, it was said that their physical, moral, and intellectual development should be protected. Now the work in mines, especially getting, breaking, and shoring, &c., call for a great expenditure of strength, which only men in the full vigour of life are capable of giving.

On the other hand, it was argued that the health of the workman must be protected, and he must be prevented from entering the vitiated air of the galleries too early.

A new Bill is at this moment before the Chamber; its object is to protect young men from 16 to 18 years of age. It is proposed to say, "that youths over 16 and under 18 years complete may not be employed in underground work, except at easy tasks. The nature of them will be defined by a Ministerial Decree."

The Netherlands.—Several mineral deposits and one coal mine. The Law of the 5th May, 1889, contains no limitative provisions, but gives the King the right of providing them. This is not required, for no workman under 18 labours underground in the mines alluded to.

Norway.—The Norwegian legislation contains no provision on this head, but a Bill provides that children from 12 to 14, and women under 18, shall be prohibited from working underground.

As a fact there are neither women nor children in the mines.

Germany.—No work before the age of 12.

Very few children from 12 to 14 are to be found in the mines. At that age they are obliged to go to school, and they are not employed for more than six hours in the in the interior of the mines.

The President proposes to fix at 14 years the age for admission of children to mines. In Germany this desideratum is almost an accomplished fact.

Baron Greindl recalls the fact that the Belgian Parliament has just passed a Law, which has not yet come into force, fixing this minimum age at 12. The working of the Law will give that experience which it is indispensable to have before going further.

The President here observes that the question is only of suggestions to be made.

According to M. de Castro, the same age cannot be fixed for all countries, the age of adolescence not being the same in different latitudes.

M. Bodio supports M. de Castro's view, adding that there are also grounds for taking into consideration the assistance rendered by the work of children to their family.

M. Burdeau states that France is not in an extreme situation. He limits himself to leaning to the remarks of MM. de Castro and Bodio. Going to the main question, he announces that a Bill, amended by the Senate, is about to be examined by the

Chamber of Deputies. This Bill fixes at 13 the lower age for admitting children to industrial labour. The Law has a humane object. It is a question of protecting the children's health; but, on the other hand, their welfare depends in part on the increased assistance which they render to their families by their wages. It is only in proportion as the wages of adults rise that they will be free to raise the limit of age.

M. de Graenzenstein and M. Haberer accept the President's proposal.

Baron Greindl requests and obtains the postponement of the vote.

The President consults the assembly on the question whether they will agree to investigate the restrictions which may be demanded by the labour of young workmen, such as those of 13 to 16 years of age.

On the motion of M. Brasseur, the Commission decides to leave this point to be settled by each country.

III.—*Sitting of March* 19, 1890.

The President resumes the discussion of the preceding sitting. He observes that the limit of age for admitting children to the interior of mines varies, according to the country, from 9 to 16. Germany has proposed 14. This figure would certainly receive considerable support; but it would be well to find a solution for general adherence. Perhaps it might be possible to fix different ages for the northern and southern countries.

M. de Castro (Spain) would prefer to see two limits of age established, for instance, 12 and 16. Each Government would then fix a point between the two limits.

M. Brasseur (Luxemburg) remarks that this solution would not answer the purpose in view. Its adoption would mean going back to consider the age of 12 as the lower limit.

Mr. Dale remarked that the English Delegates could not support any proposal which would imply a promise of immediate legislation. Still the following motion would appear to him worthy of acceptance: "The Commission makes the suggestion that the age for admission of children to mines be gradually raised according as experience may prove the possibility of such a cause to 14 years."

M. Brasseur opposes the following question:—

"Would it be desirable to fix at 14 the age above which the child may be occupied in underground work in mines?"

M. de Graenzenstein accepts M. Brasseur's wording, and answers in the affirmative. In 1889 there were in the Hungarian mines not more than nine children of 12 years old, and 780 from 12 to 14 years old.

M. Harzé remarks that the working conditions of coal mines are not those of other mines. In Belgium, without the necessity for the intervention of law, the total number (1,070) workpeople occupied in the interior of metal liferous mines and mineral deposits comprises no women and only fifteen young workers under 18. In coal mines, on the contrary, a sufficiently numerous staff of young workmen is necessary to insure the work of filling up in the seams, no less for the sake of the healthiness and safety of the mine than for the security of the soil. In fact, this work is done by the night shift, from which children under 14 will shortly be excluded. By this a large part of the young working staff, whose total number will be still more limited by the impending prohibition of female labour, will still be taken up.

In answer to M. Brasseur, the Belgian Delegate says that in Belgium there are 2,747 children from 12 to 14 in the coal mines, and 4,792 from 14 to 16. The great difference between these numbers proves that child hands are not exclusively engaged between the ages of 12 and 14.

M. Bodio observes that in Italy it would be impossible to obtain at any near date from the Legislative Bodies the raising of the minimum of age for the admission of children to underground work, as the actual Law has only been for two years in force. He presents to the assembly an official Report on the application of the Law of the 11th February, 1886. In any case he insists that the minimum to be recommended in southern countries should be 12 years. He adds that the employment of children in the subterranean work of sulphur mines consists in transporting the mineral from the bottom to the surface, a system which it would be desirable to see abolished. Nevertheless, the employment of young children is indispensable. In order to do without it, it would be necessary entirely to change the technical condition of working. This result could only be attained with the aid of considerable capital and better prices, and for that a more powerful lever would be necessary than that which could result

from a Law to protect children. As a last consideration, M. Bodio observes that the working of "solfatars" does not enter into competition with the mining industries of the other countries, since veins of sulphur in Europe occur in Sicily only.

M. Haberer (Austria) accepts M. Brasseur's proposal.

The President proposes the following text: "It is desirable that the lower limit of age for the admission of children to subterranean labour be gradually raised to 14. For the southern countries, such as Spain and Italy, a lower age may be taken."

M. Burdeau (France) observes that this proposal establishes a sharp limit between the Regulations for northern and southern countries. France occupies an intermediate position. She touches Spain and Italy. He suggests saying that it is desirable to tend towards the limit of 14, while taking into consideration certificates of physical and intellectual fitness below this limit.

Baron Greindl asks that, in order well to define the force of the proposal brought forward by Mr. Dale, the words, "according as experience may prove the possibility of such a course," be kept. It is important to avoid all ambiguity in the mind of the workmen when they learn the suggestions of the Conference.

Baron Greindl insists on the circumstance that Belgium has the most disadvantageous coal mines of any coal-producing country. Her principal market is France, where her coal has to pay a protective duty. She must not, therefore, interfere with the circumstances of her coal-mining industry without extreme prudence, and not until her new Labour Law has been sufficiently tried.

The President sees no objection to meeting the wish expressed by the Belgian Delegate.

M. Burdeau is inclined to withdraw his remarks on certificates if the Commission supports the proposal presented by Mr. Dale, as that proposal implicitly meets his wishes.

M. de Castro (Spain) accepts the limit of 12 years for southern countries, but with the reservations made with regard to the age of 14 years for northern countries.

The President amends the text of his proposal as follows: "It is desirable that the lower limit of age at which children may be allowed to work underground in mines be gradually raised, according as experience may prove the possibility of such a course, to 14 years complete.

"But in southern countries that limit may be 12 years."

Mr. Dale and Sir John Gorst request that the last sentence may be excised.

The President puts the first part of the proposal to the vote. It is adopted unanimously.

M. Burdeau declares that in voting for the proposal the French Delegates interpret the reservation in the clause as follows: that below 14 years and over 12 permission will be granted as an exceptional matter to children possessing certificates showing that they are sufficiently developed in mind and body.

The second part of the proposal is put to the vote by countries. There are 9 adhesions and 2 abstentions (France and Great Britain).

The Baron Greindl observes that, as the question does not concern Belgium, that country has no reason for opposing the exception asked for.

M. Burdeau explains that France abstains from voting, not because she has any objection to make, but because, not being interested in the question, she does no more than make note of the wish expressed by the southern countries.

The Delegates of Great Britain state that they cannot take the responsibility of refusing to children in southern countries the benefit of the raising of the limit of age to 14 years.

In the opinion of the Belgian Delegates, the word "possibility" in the first part of the proposal cannot refer to an *absolute* possibility, that is, to any absence of difficulty in any given country; the word must refer to a *relative* possibility, special to each country; in other words, there would be no question of at any time raising the age for engaging in mining labour, except where such lowering would, at the time it was carried out, have an injurious effect in the coal mining and mining labour market.

The President brings forward the discussion of the question of female labour, and calls upon M. Harzé to speak.

M. Harzé explains how the question has been solved in Belgium by the new Law of the 13th December, 1889. Clause 9 contains the following provisions: From the 1st January, 1892, girls and women of less than 21 years of age shall not be employed underground in mines, open mines, and quarries.

That provision leaves the individual freedom of adult women intact. But it will,

none the less, soon leave no women in mines; this has already become the case, with small exceptions, in the Liège district without the intervention of the law.

Before the Order respecting the Police of Mines, dated the 24th April, 1884, female children were allowed to work in mines underground at the age of 12. Under the Decree of the 3rd January, 1813, the age was 10. Now the mere coming into force of clause 69 of that Order, which excluded boys under 12 and girls under 14 from underground work in mines, brought down the proportion of girls and women by 38 per cent.

At the end of 1887, 77,490 workmen were employed in Belgian coal mines, and of that number 3,961 were women and girls. Married women are very rarely so employed, and it must be noted that, under the present law, women very generally leave the mines between the ages of 20 and 25, and even earlier.

Thus, when, as will soon be the case, women, having not been accustomed to labour in mines, come to the age when they may legally engage in such labour, they will already have taken another path, and will be most frequently married. In any case, without the force of example, she will refuse to put on the dress for working in mines.

M. Harzé declares that for a long time, in conjunction with many engineers and owners, he has been opposed to women working in mines. But, without failing to recognize the moral impropriety of the simultaneous presence of men and women in mines, he considers that girls employed in coal mines undergo no disadvantageous comparison with other industrial or rural workwomen. The pit-girl sometimes abandons herself, but never sells herself. And when a fault is committed it is generally followed by reparation. But in mines the female nature becomes imbued with a masculine roughness, and this life is a very bad preparation for a young girl in view of her future life as a wife and mother.

The exclusion of young girls from underground labour rendered the establishment of special schools ("écoles ménagères") necessary; this need has been provided for.

M. de Castro shows that in accordance with the Law of 1873 women may work in the mines of Spain, but it is an exceptional case.

Mr. Dale states that for about fifty years female labour underground has been prohibited in England.

M. Bodio remarks that this labour is not forbidden by law in Italy, but does not as a matter of fact exist.

M. Snyder van Wissenkerke shows that in the Low Countries no persons below 18 and no women are to be found in underground workings, although there is no legal prohibition on this head. In accordance with a recent Law, such a prohibition may be pronounced by the King and apply to women and girls of all ages, and boys below 16. The Netherlands Delegation is consequently authorized to support the first question in the programme.

The President puts to the vote the question of prohibiting females from labour in mines.

This is unanimously agreed to, with the insertion of the following observation explaining the vote of the Belgian Delegates:—

"In lending their support to the suggestion for putting an end to the labour of women in mines, the Belgian Delegates have no intention of pledging themselves in the name of their Government to the proposal for modifying recent Belgian legislation; but they express the opinion that the result desired by the Commission will be realized in practice by the Law of the 13th December, 1889, forbidding the entry of women under 21 to the underground work."

M. Brasseur (Luxemburg), having taken part in another Commission, sent in the following note after the sitting:—

"In accordance with the laws in force in Luxembourg no child (of either sex) can be admitted to underground work in mines or mineral deposits, and according to a Bill submitted to the deliberations of the Chamber, girls and women of all ages cannot be admitted as workers in mines or mineral deposits.

"The exclusion of girls and women is demanded in the interest of morality. In all countries experience has proved the melancholy result of admitting girls and women to underground work; inquiries made in certain countries have gained a sad notoriety.

It is also demanded from the social point of view of the development of the race, for we must not forget that the girls and women are destined to give birth to the generations to come. Lastly, this exclusion is called for in the interest of the working

class itself. The workman in fact must have his domestic hearth, and this happiness is unattainable for him unless his home is looked after by the managing, thrifty wife, the mother of his family charged with the care and supervision of the children."

IV.—*Sitting of March* 20, 1890.

The President invites discussion on the second question:—

"Should the working day in mines which offer special dangers to health be subject to restrictions?"

He sets forth the circumstances which in England render certain mines injurious to the health of the workman; heat due to depth or fire, insufficient ventilation, &c. Labour in compressed air or in water may also give rise to serious difficulties. Lastly, special dangers may arise from the nature of the minerals.

The attention of the Mining Administrations might be directed to these different points. An example of a district regulation respecting the wholesomeness of the work in mines is to be met with in Westphalia. The workmen cannot work longer than six hours a-day in a mine where the temperature reaches 29 degrees.

He invites the Delegates to furnish information on the course followed in their countries under such circumstances as these.

M. Harzé recalls the fact that in his country no poisonous metals are extracted. The working of the mines consists principally in the extraction of coal, and for this industry, which has been so powerfully enlightened by science, there is a more radical solution than that suggested in the proposal.

This solution is to give the Administration sufficient power to make the danger disappear, and if need be, by using the weapon of prohibition. Of course an intelligent severity does not exclude the method of consultation and tact.

The Police Regulation for Mines in Belgium, passed by a Royal Decree of the 28th April, 1884, provides as follows:—

"Art. 17. In every subterranean working every part accessible to workmen shall be rendered wholesome by a sufficient current of pure air.

"The speed of this current, the section of the galleries, shall be throughout regulated with regard to the number of workmen, the extent of the works, and the natural emanations of the mine.

"The galleries serving to conduct the air must be easily accessible in every part.

"Art. 18. Ventilation must be effected by efficacious, regular, and continuous means, free from all danger.

"Art. 19. Every current of air vitiated by a mixture of deleterious or inflammable gases sufficient to constitute a cause of danger to the health or safety of the workmen shall be carefully kept from every gallery or frequented passage.

"The extent of the galleries worked shall be limited, if necessary, so as to remove the workmen in the path of the returning current from the injurious effects of air too vitiated.

"Art. 20. The embankments constructed as much to support the rock as to separate the trolley-ways from the corresponding ventilation passages shall be rendered throughout as solid, and kept as air-tight, as possible.

"Art. 21. These embankments shall be always carried to a fitting distance from the fore-head, in order that the current may be always sufficiently active to prevent the injurious gases accumulating there; an excessive quickening of the speed of the current shall always be avoided."

It can be thus seen that the new Regulation does not only consider the mere carrying off of the fire-damp as answering to the aim of rendering the mines wholesome; it contemplates not only the security of the working, but also the health of the workman. And to reach this double end, this is how Article 17 above is alluded to in a Circular of the Director-General of Mines in Belgium, dated the 8th June, 1886:—

"Article 17 insists on the principle that subterranean workings should be ventilated in such a way as to prevent the presence of inflammable or poisonous gases in such proportion as to make the atmosphere of the mine dangerous for the security of the work or injurious to the health of the workmen. On this head it is absolutely impossible to give any precise or easily controllable indications in practice; but a certain condition of the flame of the lamps, too high a temperature in the 'yards,' an uneasiness in the respiration, are indications which will attract the attention of the engineer and authorize him in case of need to demand better ventilation. In any case,

it is important that the quantity of air should never descend below 10 to 12 litres per second and per workman occupied in the works and passages abutting thereon, each horse traversing these passages being counted as three workmen. In general, as soon as the temperature in the subterranean parts passes 25 degrees the ventilation may properly be hastened, yet without allowing the speed of the current in mines much disposed to fire-damp to exceed 2′ 50″ in the galleries of the horizontal seams; in those of perpendicular seams it will be prudent even to remain considerably below this speed."

Belgium, like other mining countries, has had unhealthy mines. But, thanks to the powerful mechanical ventilation initiated by that country, and the shafts of large diameter, these mines have to-day good "lungs" and good respiratory passages.

Many Belgian coal mines exceed a depth of 700 metres. One even has a working at a depth of 940 metres. One shaft is actually sunk 1,110 metres down. These great depths have certainly created difficulties. But they have been vanquished, for the temperature is generally below the limit indicated in the above-mentioned Circular.

As to the dangers of workmen labouring in air compressed for the passage of water-bearing strata, M. Harzé recognizes their reality. In these cases, therefore, it is better to have recourse to other proceedings for boring, such as those of MM. Kind and Chaudron, Poetsch, and others.

The water, when it is impossible to shelter the workmen from it, makes their labour very hard. The owner should therefore take this circumstance into consideration in his limitation of the day. It would be far from easy to establish a formula for this limitation, circumstances differing in various cases. The Belgian mines are generally dry.

M. Haberer remarks that there are no special limitations in Austria. The working day is of various duration. Something might be done to limit them, but it would be difficult to foresee every case and to legislate for this end. It would be best to proceed by administrative measures.

M. de Castro observes that in Spain different mines present special circumstances. In the mines of Almaden the mercurial emanations render peculiar precautions necessary. The working day may not exceed six hours, and this is even a maximum often not reached.

The workmen only work fifteen days a-month in the interior of the mine. On other days their services are generally utilized above ground.

In the mines of the Sierra Almagura, very rich mines of argentiferous lead, working has become very difficult since the sea-level has been reached. The temperature is there very high, chiefly on account of hot springs being met with whose heat is more than 45 degrees. Under these circumstances the number of working hours has had to be limited.

As for the other mines, there is no occasion for taking special measures. The Government, besides, is soon about to be armed with a Law which will permit it to impose such measures of security as may be judged useful.

M. Linder remarks that France possesses no mines such as those just alluded to. Her various lead mines are not specially unhealthy.

As for working in mines in general, the Laws and Regulations in force permit the Administration of Mines to interpose from the double point of view of security and health.

The French laws, besides, in case of resistance on the part of the owners to perform certain duties, admit of their being performed by Government, and, should the owner refuse to pay the costs, allows the mine to be considered as abandoned and put up to adjudication.

The point over which special guard should be kept is that of ventilation. It is for the purpose of assuring a good circulation of air, as well as to assure to the workmen a second outlet in case of the first being inaccessible, that two shafts, at a sufficient distance from one another, are now insisted on in every mine. It is endeavoured to circulate throughout a fitting quantity of air. The employment of compressed air as a vehicle of force for certain purposes also contributes to render the mine wholesome.

The ventilation is controlled with care by frequent pressure tests. Careful plans of the ventilation are kept. The Administration of Mines gets much assistance from the owners generally by means of consultations, without being obliged to have recourse to measures of coercion.

The question of coal dust has also been made the object of numerous investiga-

tions, and precautions are taken to remove its danger. Lastly, the lighting system and the employment of new explosives tending to avoid the firing of the fire damp have been the subject of long studies by the Mining Engineers, studies which are still in course of prosecution.

M. Linder insists that the Directors of the works, and not the master miners only, should frequently go down the mine.

Thanks to this course of action, the number of workmen killed, which during the period 1861-70 had been 30·11 per 10,000, was reduced for the period 1881 to 1888 to 16·74, as his Belgian colleague has been good enough to state on the occasion of the International Congress on Accidents lately held at Paris.

Mr. Dale asks if the workmen in Belgium have the right to assure themselves by the visit of Delegates, as to the measures of security at the disposal of the mine.

M. Harzé answers that this power is granted them by no provision. But, he adds, the workman never appeals to the intervention of the engineers in vain, when he apprehends any danger. This intervention is also made when other certain disputes arise, claims on savings' banks, in case of strike, &c.

M. Burdeau points out that this supervision by the workmen themselves appears destined to be established shortly in France.

The President points out the establishment in the Saarbrück mines of workmen delegates, with the duty, amongst others, of insuring that the regulation of labour and the laws relative to the health and security of the workmen shall be punctually carried out by their comrades.

Mr. Dale points out that managers ought to obtain a certificate of capacity before a Committee of examination. As for the workmen, they have the right of naming two or three of their comrades with the duty of examining the mine from the point of view of the security, and to report on this subject.

The English laws contain no provision for limiting the number of hours of the work of adults in mines.

Sir John Gorst states that mines of Great Britain are subject to the Law of 1887, which was asked for by the Mining Associations themselves. The English Delegates could not give their support to a proposal for limiting the number of hours of daily labour for adult males.

The President observes again that the question only contemplates mines presenting special dangers.

V.—*Sitting of March* 22, 1890.

The President invites discussion on the order of the day, and asks M. Bodio to speak.

M. Bodio remarks that the mining industry has a certain importance in Italy, in the Islands of Sardinia and Sicily. In the district of Iglesias (Province of Cagliari) zinc carbonate and sulphuret of lead are worked.

A Report on the mines of Sardinia is presented every year by the district inspector.

The Companies holding the concession of these mines support provident associations and mutual support among the workmen.

Sicily possesses large beds of sulphur, in which are numerous mines. In 1889 the value of the output was 23,000,000 fr. The work is not excessively severe for adults, but it is peculiarly exhausting for children, who have to carry on their backs blocks of mineral while mounting narrow steps constructed in shafts the depth of which reaches 150 metres and even more.

The dressing of the mineral is performed for the most part by the primitive method of calcination. For 300,000 tons of sulphur, 30,000 tons are produced by steam-dressing, and 15,000 by the "Gills" kilns, which offer the advantage of freeing the gas from the sulphurous anhydrite, whereas the ancient method of the Calcaroni destroyed all agricultural produce for several kilometres round.

As regards the protection of the workmen, it is necessary to begin by observing that Italy has no uniform mining legislation.

In Tuscany (with exception of the Island of Elba, where the mines belong to the State) subterranean property is not separated from the surface ownership. In the other provinces the system of concessions prevails. In the Venetian provinces the Law of 1854 is in force. In the ancient Kingdom of Naples and Sicily the Law dates from 1826. A more modern Law is that of 1859, which extends to Piedmont, Liguria, Lombardy, the Marches, and the Island of Sardinia.

As far as Sicily is concerned, it is important to note that, in accordance with a

Royal Order of 1808, the sulphur mines constitute a surface dependence, and that the proprietor of the soil is allowed to work them without obtaining a concession to do so, in the strict sense of the word, and on the sole condition of paying a tax as recognition of the supreme right of the State. In consequence of this régime, the Mining Engineers have not the same powers in the case of sulphur mines which they are invested with for the superintendence of other mines.

As regards the protection of the workers, M. Bodio deems it advisable to point out the essential provisions of the Law of the 20th November, 1859. The Engineer of the mining body has the right to propose measures for the safety of persons employed, and also in the interest of preserving the mineral wealth. It applies, in the first instance, to the lessees, to whom it gives written recommendations. If the latter do not conform to his instructions, the Engineer addresses a Report to the Prefect, who directs what shall be done.

The said Law fixed the lower limit of the age for admitting children to the interior work of the mine at 10 years.

A Bill has just been presented by the Minister of Commerce and Industry to the Chamber of Deputies for the purpose of establishing the system of obligatory insurance against accidents, based on the principle of professional risk, that is to say, of the responsibility of the lessee, not only for his fault, but also in case of accident and *vis major*.

Finally, to fill any gaps in the particular Laws which regulate the regions or provinces in which the Law of 1859 was not promulgated, the provisions of that Law were extended to them by the Administration in 1859, as far as the responsibility of the lessees and the immediate help to be given to the wounded is concerned. We have even gone to the length of generalizing the lower limit of the age for admission (10 years) for children occupied in subterranean labour. These provisions not having the sanction of law, the Administration has at times found itself powerless against those who refused to conform to it. Nevertheless, they have been, in most instances, an efficacious expedient, until such time as a general Law can be promulgated for the whole extent of the kingdom.

M. de Graenzenstein agrees that the question of insuring the wholesomeness of mines is the subject of active study, especially in Belgium, France, and Germany, yet the efforts made do not always sufficiently protect the workmen.

He therefore proposes the following motion : " It is desirable that the working day in mines, or galleries in mines, offering peculiar dangers to health, be submitted to restrictions in cases where the conditions of the workings are such as to endanger the health of the workmen in spite of all precautions."

M. Harzé considers that the adoption of this proposal might tend to dull the spirit of research. He recalls the progress attained in Belgium in the ventilation of mines, enabling them to be worked at enormous depths, while remaining far below the temperature which in Westphalia justifies the limitation of the daily duration of labour, and it was sought to modify a régime which was in harmony with the industrial spirit of the nation and had proved its excellence by such marvellous results. M. Harzé would consider this modification as an imprudence with respect to the workman himself. It is far better to resolve that the owner is bound to employ every means which the art of mining, enlightened by science, indicates to insure the wholesomeness of the mine, and thus safeguard the health of the workmen. In case of need, the owner should make inquiry for them. The principle should be expressed in the Resolution to be passed.

The President answers that the deep mines alluded to by M. Harzé are not touched by the above Resolution, and, in regard to the principle, the expression of it should rather be mentioned on the occasion of the discussion of the third question. M. Harzé recognizes that the said mines cannot now be touched, but as the working of them produces new difficulties, will not the owner prefer a restriction in the number of hours in the working day to a radical remedy ? M. Harzé fears slow poisoning.

Baron Greindl speaks from the legal and constitutional point of view. The principle of the individual liberty and responsibility of adults dominates the whole body of Belgian law.

The President observes that it is the workmen's part to provide in his contract for special difficulties of work.

M. de Castro (Spain) calls attention to the fact that the laws regarding such matters are often made by persons having small experience of mines. He would like

to introduce into the text a phrase pointing out that the restrictions should be made by the technical authorities.

M. de Graenzenstein did not think that the general text of his proposal could encounter any objection.

This text applies, indeed, only to mines which cannot be rendered healthy in spite of every precaution.

Mr. Dale (Great Britain) approves of the opinion expressed by the Belgian Delegates. The principles of English legislation are also opposed to the proposal. There may be circumstances which would justify a limitation of the hours of labour. But this must be left to each country to settle by an agreement between employers and men.

M. Linder is of the same way of thinking as M. Harzé. He further remarks that French legislation gives sufficient powers to the Administration to modify the method of working, to compel the employer to adopt measures of safety, and to go so far even as to withdraw the concession.

M. de Castro proposes the following solution: "The Delegates consider that restrictions in the hours of labour in mines can only be allowed when in accordance with the judgment of competent officials and the law of each country."

M. Burdeau defines the views of the French Delegates. Here occurs the question whether the State has the right to limit the hours of labour for adults. If the State can intervene to protect children and youths, it should leave to adults the free disposal of their labour. For the last six years the State has recognized workmen's syndicates in virtue of a Law the application of which must not be compromised. The inclination should be, on the contrary, to leave the workman still more at liberty to organize the conditions of his labour in agreement with his employer.

The President replies that Germany likewise lays great stress on the liberty of the workman.

The sitting is suspended at the request of several members. On resuming, the President, after conferring with several Delegates on the subject, reads the following proposal: "In cases where science is inadequate to remove all danger to health arising from the natural or accidental state of certain mines or parts of mines, it is desirable that the hours of labour should be restricted. The task of insuring this result is left to each country to bring about, by legislative or administrative measures, or by agreement between employers and workmen, in accordance with the principles and practice of each nation."

Baron Greindl proposes to add before "in accordance with the principles" the words "or otherwise."

M. de Graenzenstein withdraws his proposal, and supports that of the President. M. de Castro does likewise.

The Resolution is adopted unanimously, with the addition proposed by Baron Greindl.

The Commission proceeds to examine the third question, thus worded:—

"Would it be possible, in the public interests, in order to insure continuity in the output of coal, to subject the question of labour in collieries to International Regulations?"

The President states that this question interests all nations, even those which are not coal-producing. To reach the object in view, there must be an international understanding. A complete study of the question might involve the Commission in very long discussions respecting wages and social economy.

The organization of humane institutions touches this question also.

Closer relations between the overseers of mines and the workmen might prove of use for the settlement of disputes.

An extension of the term of notice for leaving off work would make fair strikes more difficult, and their consequences less disastrous. But such a measure has little chance of adoption, for it would entail the intervention of the Legislative Power.

One member of the Conference would wish to attach the workmen to the management by bonds which would become inoperative on the workmen going on strike.

The President concludes this communication by inviting the members of the Commission to state their views on this subject at the next sitting.

VI.—*Sitting of March* 24, 1890.

The President calls on Mr. Dale to explain the way in which, in mines in the north of England, labour disputes are settled by friendly agreement between employers and workmen.

Mr. Dale remarks that about twenty-five years ago there were numerous and lasting strikes in that district; at that time conferences were held among the employers with the view of finding some means of definitely regulating wages; these employers at first refused to negotiate with the workmen as a body; but finally, on the advice of some of the more foreseeing of their number, they decided to recognize the Workmen's Union of some one mining district, and this principle, once recognized, was the essential basis of the present system of pacification; it was established some twenty years ago.

The relations were at first confined to meetings of representatives of the employers and workmen to discuss a particular question. There was introduced for all questions the principle of arbitration, which is applied as follows: each party selects an equal number of arbitrators, generally two, and these arbitrators select one chief arbitrator; this last task is willingly accepted by most influential personages.

Then, as the question submitted most frequently to this arbitration was the rates of wages as compared with the price of coal, to put an end to questions of this kind, they had recourse, for elucidation of this last point, to the account books of the employers through the intervention of a skilled accountant.

The principal method employed for effecting this connection between wages and the price of coal was the establishment of a sliding scale for wages.

The object of the sliding scale is to fix a numerical relationship between the rate of wages and the price of coal.

To settle this the following method was sometimes employed at the beginning: five consecutive years are taken corresponding to the important variations in the price of coal and wages, these last having been modified through strikes, agreements, or arbitration; these years are divided into twenty quarters; for each quarter is calculated the average price of coal, as likewise the rate of wages, and the numerical relationship of these two amounts is taken; the average of these numerical relationships is considered as representing the normal relationship which should exist between wages and the price of coal.

The sliding scale being thus established, the average price of coal is found for all the mines in the district during the last quarter; to this basis is applied the normal numerical relationship defined above, and thus is obtained the rate of wages for the current quarter. This operation is recommenced every quarter.

These calculations are made by two skilled accountants, named respectively by the Workmen's Union and that of the employers. These accountants have access to all the mining accounts, but they preserve secrecy, and confine themselves to issuing a certificate declaring: (1) that the average price of coal for the district during the last quarter is fixed at so much; (2) that consequently wages are at such a rate.

In this way workmen obtain, without negotiations, strikes, or arbitration, the same wages which they could only have hoped to obtain by having recourse to other and various means.

The numerical law proportioning wages to the price of coal is generally fixed for two years; after that time it can be denounced by either party on giving six months' notice; but for six years the first sliding scale has been but slightly modified.

It has recently been temporarily denounced by the Northumberland employers and the Durham workmen; Mr. Dale thinks the object of these denunciations is not the suppression of the system, but the revision of the existing sliding scale.

In the districts where the application of the sliding scale is temporarily suspended, it is sought to take as a basis, not the prices of the preceding quarter, but those of the current quarter as far as they can be calculated. In this way the workmen become officially aware of the current prices, and this is an advantage, for strikes often originated through the ignorance the workmen were in of the real position of the coal market.

As regards local questions, of no interest to the district as a whole, they are managed by Joint Committees, or Mixed Commissions, composed of delegates in equal numbers of workmen and employers; they take as President either the President of the County Court, or some other person of influence.

These Commissions meet about once a-fortnight; their decisions operate from the date of the complaint.

Mr. Dale states that generally the Workmen's Unions now have intelligent men at their head, and thus relations between workmen and employers are easy; in Durham, for example, the Miners' Union has four Secretaries who devote all their time to the interests of the Association; in this district the Mixed Commission settles over 500 cases a-year.

At the invitation of the President, Mr. Dale furnishes some information on the recent strike; this strike did not touch the northern districts, where the relations are good, although the sliding scale has been temporarily denounced.

He further remarks that formerly strikes often originated from the action of the foremen, who sometimes treated the workmen harshly. The creation of Joint Committees, where the workman is treated as an equal, has had the effect of smoothing down these relations between the foremen and the hands.

Mr. Dale thinks this system is the best for avoiding crises; the decisions of the Arbitration Commissions and of the Joint Committees are in general respected; it is the principle of arbitration which is taking the place of conflicts by strikes.

M. Haberer, in the name of Austria and Hungary, points out the two points from which the question should be examined, namely, on the one hand to prevent strikes, and on the other hand to paralyze their effect.

To avoid strikes, the workmen must be attached to the mine by means of sundry advantages; there might, for example, be houses and gardens put at their disposal at a low price. There were grounds also for recommending long service bounties being granted to workmen in the form of increased wages. This system has been tried in Austria, but this is a question for private settlement, and one in which the law cannot ntervene.

With the same object, there should also be instituted relief clubs for sufferers through accidents, for widows and orphans. These institutions help towards the end in view, provided that by the rules those workmen who go away or quit work shall lose the benefit of their previous payments. This holds good in Hungary; but in Austria, the Law of the 28th July, 1889, has ordained that rights acquired by a workman through his previous payments cannot be lost to him when he leaves a Company: these sums must be repaid to him, or paid over to the fund of the new Company he joins.

It might be advantageous also to extend to four weeks the term for denouncing a contract between workman and employer; but this measure would not have much effect, for workmen, in the case of a strike, do not in general respect this term; moreover, it would be difficult to fix a penalty for a breach of any Law on this matter.

Lastly, another method of preventing strikes consists in establishing Mixed Committees of employers and workmen for the purpose of intervening and examining comp'aints; these Committees operate as Courts of Arbitration.

But all these methods are ineffectual when general strikes break out; it is necessary then to try to paralyze their effects; to this end it is of advantage to possess considerable stocks; but it is possible also, so as to minimize the effects of a strike, to attract coal temporarily from neighbouring foreign countries by facilitating its entry on the frontier and lowering the railway rates.

M. Harzé points out that strikes occur under very varied circumstances. These events break forth in times of prosperity as in those of adversity. One sees them break out in England, Germany, Belgium, and France, notwithstanding the great differences in their political and economical systems.

It is necessary to insure for the workmen, in the first place, health and safety in their work, and, when necessary, compensation for accidents, as well as relief during illness, premature infirmity, and the infirmities of old age. What they want, besides, from the economical point of view, are fair wages for a day's work of reasonable length.

In Belgium, as elsewhere, efforts are being made to prevent accidents. A special Service even has been established for the scientific study of these distressing events. M. Harzé points out that at the last Exhibition at Berlin there appeared statistics from Belgium proving the diminution of professional risk to the miner in the pits in that country between 1831 and 1888. And he is happy to state that they attracted the kindly attention of His Majesty the Emperor of Germany.

As regards compensation for accidents, the faculty granted in Belgium to victims of accidents or their representatives of being made acquainted with the Reports of inquiries made by the Engineers of Mines, affords facilities for claiming eventual rights.

The receipt of fair wages for a day's work of reasonable length is a great object to the workmen. The average yearly wages of the Belgian miner, varying greatly in the different mining centres of the country, are smaller than in the north of France, or probably than in the basin of the Ruhr. In 1888 they were put down at 869 fr. for the whole country, and at 910 fr. for the basin of Liège.* Since then the

* General wages, men, women, boys, and girls, both under and above ground.

wages have sensibly increased. Moreover, this circumstance should be borne in mind, viz., that in Belgium the employment of numerous half-workers reduces the general average wage. Then, there must be considered especially the "capacity" or the "purchasing power" of the wages. Now, in Belgium bread is relatively cheap, and lodgings also, as well as household necessaries, petroleum, for instance.

Here it is opportune to remark that the conditions of the production of coal vary greatly in different countries.

From 1885 to 1887 the annual output of coal per workman underground was:—

	Tons.
In England	410
In Prussia	352
In the north of France	295
In Belgium	252

These figures speak with forcible eloquence, and it is a matter of still greater regret to have to add that the effective work done by the workman makes less progress in the old mining districts of Belgium than in the new basins abroad, which, while profiting by the advantages inherent to the conditions of mining operations, assimilate to themselves a population more and more adapted to underground labour.

The objection may be perhaps made that the small produce of the working miner in Belgium is the result of employing a large number of half-time men. But half-time men exist everywhere. Besides, even subtracting these from the Belgian working strength (say 13,000 boys and women) and supposing the production were kept up to its full height by the 33,000 remaining hands, men and adults, the productive work of these latter would still only amount to 280 tons a-year.

And yet the Belgian miner when he works in the basins of the Nord and the Pas-de-Calais is looked upon as a first-class worker. Because there he finds good beds of coal, whilst notably in the "Souchant de Mons," he strikes seams which, in rival countries, would be considered unworkable.

To the produce of the English workman there is added a certain quantity of iron ore and of refractory earths, and it is to be remarked that the coal consumed by the French and German mines only amounts to about 6 per cent. of the total production, whilst in Belgium this proportion amounts to nearly 10 per cent. As a preventive to strikes, the system of conciliation has been proposed.

On this subject M. Harzé states that the Belgian Law of the 16th August, 1887, created Councils of Industry and Labour, composed of equal numbers of masters and men. These colleges have to discuss the common interests of employers and workmen, to prevent, and, if necessary, to settle, differences which may arise. This institution is of too recent growth to determine its practical value. It is to be hoped it may answer the wishes of its authors.

The President mentions having seen in the hands of M. Harzé comparative statistical Tables of great interest. He begs the Belgian Delegate to lay them before the Commission. M. Harzé will comply with the President's wish, and remarks that these Tables were prepared under the direction of Director-General Arnould.

M. de Castro states that Spain has hitherto possessed no coal mines of much importance; she has no export of coal, and there have been no strikes in her coal districts. She has therefore no special observations to offer on the last question on the programme of the Commission.

M. Linder, with respect to the question of arbitration treated by Mr. Dale, recalls to notice, as a matter of information, the part played by the Administration of French Mines, three years ago, at the time of the strike which ended in an arbitration, to the general satisfaction of the parties.

Entering into the heart of the question, he indicates the most usual causes of strikes, and seeks means for their prevention. He mentions as such, good organization of the mines, so as to insure safety of labour and to prevent justifiable complaints among the men, provident institutions, and fixed wages.

In a properly conducted mine, the Engineer should frequently go down the mine in order to acquaint himself with all its details, and put himself in direct contact with the workmen, whose interests he ought to watch over in person from the different points of view of work, wages, relaxation, and even punishment, all of which are only too frequently left to the master miners, whose part should be reduced to that of a simple superintendence of the carrying out of regulations.

Wages may be settled on various principles; day rates should only be given in exceptional cases; wages for a fixed task at per day is a disadvantageous system like the first in the case of good workmen. Payment by the piece, or piece-work regulated

by agreement between master and man, is the best way; it allows the good workman to earn much in the day, which is only just. In this case it is important that the duration of the contract should be as long as possible, as the workman then takes all the more interest in his work. In support of these considerations, M. Linder quotes figures drawn from various mines.

An important element in the question of strikes is, besides, the avoidance of enforced idleness, and the stability of the wages, in order to prevent any important or sudden diminution of them; efforts must be made to maintain as great a regularity as possible, or rather to raise the wages in a slow and constant manner. Numerous figures cited by M. Linder give support to these suggestions.

In France, when there is a small demand for coal and the production of it falls, the lessee avoids sending away his superfluous workmen; drawing on the savings which he has wisely accumulated in the years of prosperity, he employs these workmen for the labour of the future.

M. Linder then speaks of the various measures passed in favour of the workmen: fuel, dwellings, schools, and divers other advantages, such as, for example, the co-operative institutions, savings banks for times of want or on retirement, to the operation and composition of which he shortly alludes, which vary according to their aims.

As regards the provident institutions in particular, he shows by several notable examples the importance of the sacrifices made by many mining Companies, often representing a considerable fraction of the dividends paid to the shareholders, all of which have for their aim the improvement both in the physical and moral well-being of the workman. It is to that, in fact, that efforts should tend, the workman is owed something more than his wages.

M. Linder concludes by a few words on the working syndicates, and the measure proposed in favour of the victims of accidents during work, which introduces a new principle into the legislation, that, namely, of professional risk.

M. Burdeau reminds the Commission that the principal action to be taken with a view to preventing strikes is to be found in the means just pointed out by M. Linder; it consists in maintaining, as far as possible, the fixity of wages, providing for workmen at critical times or in their old age, attaching them in their youth by offering the children at a fitting age fairly remunerative work; in putting cheap dwellings within their reach, offering houses easily acquired which will attach them to the soil, establishing with their assistance Co-operative Societies, insuring support to the sick and wounded, widows and orphans, as well as pensions for those invalided by their work, and for the aged; it is in this way that families hereditarily attached to mining may be procured.

As for the State, its only fitting intervention must be to insure safety of labour, liberty of person, and due execution of contracts.

This safety is the object of the surveillance of the Administration, armed by law for this purpose; besides, the new Law on accidents will give more guarantees to the workmen by allowing the principle of professional risk in his favour.

As far as liberty is concerned, since 1884 an important step has been taken in permitting workmen to come to an agreement, and associate publicly by instituting professional syndicates. The law will, perhaps, soon directly protect these associations. The syndicates exercise a right which ought not to be restrained; strikes themselves must be permitted, when they take place the State has nothing to do but insure the liberty of workmen and the respect for property.

As for the execution of contracts, the State has not had much occasion to trouble itself about it. In fact, in case of strikes, the workmen does not respect the customary interval for denunciation of contracts, which is generally eight days; in strict right the authorities might enforce the respect of this clause, but it is repugnant to our manners to employ force to obtain labour, and the French authorities, as a matter of fact, only have recourse to persuasion, which often has good effects.

Associations for assistance and pensions are also contracts which bind the employer and the labourer together; on one particular occasion it was stated that the interests of the workmen had been compromised thereby, and that the funds of these Associations had been devoted to an enterprise which failed; a proposed Law will, therefore, guarantee these Associations against all evil practices.

Finally, arbitration, which has only been practised in France in a chance manner, will be able to be regulated, and a Law for this purpose is under consideration; there is certainly no intention of enforcing arbitration, but merely of supporting it by certain guarantees will have the effect of recommending it.

In fine, it is hoped to diminish the number of strikes in France by three methods: by employers' associations, which soften the relations between employers and workmen; by syndicates, which will enable the workman better to discuss the conditions of his labour; and lastly, by arbitration, which will become a matter of custom in proportion as the workman learns to manage his own interests better.

In these questions the State has no part to play but that of guardian of personal liberty and of the loyal execution of contracts.

M. Hauchecorne, President, reminds them of the organization existing in Germany for insurance in case of accidents or illness; he notices the recent creation in the Royal mines at Saarbrück of workmen delegates serving as intermediaries between the Director and the miners.

Germany is also now engaged in establishing a Central Court of Arbitration (Industrial Court of Justice), before which all differences between employers and workmen will be settled.

He states that the Commission does not seem to have in view the object of solving the last question of the programme by International Regulation; the various communications just made have pointed out several general points of view which it would be well to recommend to the attention of the different countries.

The question of international arrangement belongs besides rather to the last portion of the programme of the Conference; and the President recognizes that the Delegates cannot, from any point of view, bind their Governments.

Mr. Dale proposes the following Resolution:—

"It would be desirable, in the aim of assuring the continuance of the output of coal, to prevent strikes; and experience tends to prove that the best prohibitive means consists in a voluntary or reciprocal arrangement on the part of the employers and miners united in associations in all cases where their differences cannot be solved by a direct understanding, to have recourse to arbitration."

The President admits that no objection is raised to the first phrase, but the second only mentions one of the methods recommended for preventing strikes.

After the sitting had been suspended, the President puts to the vote the following Resolution:—

"The discussion of the Commission on Question No. 3 has enabled the Delegates of the coal-producing countries to explain the present circumstances of work in coal mines, and the proper means for preventing its interruption.

"The following facts have resulted from this discussion:—

"1. That the safety of the workman, and the wholesomeness of the work, should be assured by all means which science has at her disposition, and placed under State supervision.

"2. That the engineers charged with the direction of mines should be exclusively men of tried experience and competence in technical matters.

"3. That the relations between miners and the engineers of the mine should be as direct as possible to insure mutual confidence and respect.

"4. That the provident institutions destined to guarantee the miner and his family against the effects of illness, accident, premature illness, old age, and death are means calculated to attach the miner to his profession, and should be more and more developed.

"5. That it would be desirable, with the object of insuring the uninterrupted output of coal, to prevent strikes, and that experience tends to prove that the best method of prevention consists in a voluntary or reciprocal arrangement on the part of the employers and miners united in associations, in all cases where their differences cannot be solved by a direct understanding, to have recourse to arbitration."

This Resolution is unanimously adopted.

After a suspension of the sitting, the second reading takes place, and the Resolution answering to the last question before the Commission is unanimously adopted in the following form:—

"It is desirable—

"(*a.*) That the safety of the workman and the wholesomeness of labour be insured by every means which science has at her disposition, and placed under State supervision.

"(*b.*) That the engineers charged with the direction of mines be exclusively men of tried experience and competence in technical matters.

"(*c.*) That the relations between miners and the engineers of mines should be as direct as possible, to insure mutual confidence and respect.

"(*d.*) That the provident institutions destined to guarantee the miner and his family against the effects of illness, accident, premature illness, old age, and death,

institutions adapted to attach the miner to his profession and better his condition, be more and more developed.

"(*e.*) That endeavours be made, with the object of insuring the uninterrupted output of coal, to prevent strikes. Experience tends to prove that the best preventive consists in a voluntary or reciprocal arrangement on the part of the employers and miners united in Associations, in all cases where their differences cannot be solved by a direct understanding, to have recourse to arbitration."

No. 23.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 31.)

My Lord, *Berlin, March* 28, 1890.

BEFORE leaving Berlin on the termination of our duties in connection with the International Labour Conference, we desire to record to your Lordship our high appreciation of the valuable services rendered to us by Messrs. Thomas Burt, M.P., F. A. Whymper, John Burnett, and T. Birtwistle, in their capacity of Expert Delegates, whose special knowledge and ready assistance have proved of the greatest help to us in our labours.

We also desire to express our thanks for the aid afforded to us in our correspondence, and otherwise, by Mr. Beauclerk, Second Secretary in Her Majesty's Embassy, who has acted as Secretary to us during our sojourn in Berlin, and whose work has very much facilitated the transaction of our business.

We trust that the services of the above-mentioned gentlemen will be favourably noted by Her Majesty's Government.

We have, &c.

(Signed) JOHN E. GORST.
CHARLES S. SCOTT.
W. H. HOULDSWORTH.
DAVID DALE.

No. 24.

The British Plenipotentiaries at the Labour Conference to the Marquis of Salisbury.—(*Received March* 31.)

My Lord, *Berlin, March* 29, 1890.

HER Majesty the Queen having been graciously pleased to commission us as Her Majesty's Plenipotentiaries to attend the International Conference assembled at Berlin, to examine and discuss certain questions connected with the well-being of the labouring classes, and the conditions under which their industry is exercised, we have, on the termination of our mission, the honour to inclose to your Lordship the final Protocols of the Conference.

Your Lordship will perceive from these Protocols that the British Plenipotentiaries have, in accordance with your Lordship's instructions, supported the various propositions reported by the four Commissions to the Conference, with the following exceptions:—

1. They did not support the special exemption in respect to the age of children, claimed by Spain and Italy, for reasons which were fully stated to the Conference on the 27th March, and recorded in Protocol No. 5.

2. They did not support the proposition for an educationat test as a condition precedent to a child's being permitted to work in an industrial establishment, on the ground that the proposition was inconsistent with the maintenance of the half-time system, which had been productive in the United Kingdom of such excellent results.

This was also fully stated to the Conference on the 27th March, and is recorded in the aforesaid Protocol.

We trust that your Lordship will be of opinion that we have thus fulfilled the instructions given to us, and we have, &c.

(Signed) JOHN E. GORST.
CHARLES SCOTT.
W. H. HOULDSWORTH.
DAVID DALE.

Inclosure 1 in No. 24.

Protocole No. 5.—Séance du 27 Mars, 1890.

Étaient présents :

Allemagne—
- Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.
- M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
- Sa Grandeur Mgr. le Dr. Kopp Prince-Évêque de Breslau.
- M. Reichardt, Directeur au Département des Affaires Étrangères.
- M. Lohmann, Conseiller Intime Supérieur de Régence.
- M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
- M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
- M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.
- M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—
- M. le Baron Béla Weigelsperg, Conseiller Impérial et Royal au Ministère du Commerce.
- M. le Dr. F. Migerka, Conseiller Impérial et Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
- M. le Baron Auguste de Plappart, Conseiller Impérial et Royal au Ministère de l'Intérieur.
- M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial et Royal de l'Agriculture.
- M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
- M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
- M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.
- M. le Dr. Schulz, Secrétaire de la Délégation d'Autriche-Hongrie.

Belgique—
- M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
- M. Victor Jacobs, Ministre d'État, Membre de la Chambre des Représentants.
- M. le Baron t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
- M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—
- M. Tietgen, C. F., Conseiller d'État Intime.
- M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
- M. Bramsen, L., Directeur de Compagnies d'Assurance.

Espagne—
- M. Manuel Fernandez de Castro, Sénateur, Inspecteur-Général des Mines.
- M. Santamaria de Paredes, Député et Directeur-Général de l'Instruction Publique.

France—
- M. Jules Simon, Sénateur.
- M. Tolain, Sénateur.
- M. Burdeau, Député.
- M. Linder, Vice-Président du Conseil Supérieur des Mines.
- M. Victor Delahaye, Ouvrier Mécanicien.
- M. Jacquot, Consul-Général de France à Leipzig.
- M. Laporte, Inspecteur Divisionnaire du Travail des Enfants dans les Manufactures.
- M. Pellé, Ingénieur des Mines.
- M. A. Lebon, Secrétaire de la Délégation Française.

Grande-Bretagne—

The Right Honourable Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.
Mr. T. Burt, Membre du Parlement, Secrétaire de l'Association des Mineurs.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. F. H. Whymper, Inspecteur des Fabriques.
Mr. J. Burnett, Chef de Division au Département du Travail.

Italie—

M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—

M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—

Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—

M. Ernesto Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce.
M. J. P. Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

Suède et Norvège—

M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.
M. le Comte de Wrangel, Secrétaire de la Délégation de Suède et Norvège.

Suisse—

M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

La séance, présidée par son Excellence M. le Baron de Berlepsch, est ouverte à 2 heures et demie.

Le Président ayant fait savoir que les propositions nouvelles dont il a été parlé à la fin de la précédente séance, ont été renvoyées à l'examen des Commissions respectives, *Sa Grandeur Mgr. Kopp* annonce, au nom de la Deuxième Commission dont il est le Président, que la proposition préparée par la Délégation Allemande sera remplacée par une déclaration à lire au moment du vote.

M. Hauchecorne, d'autre part, informe les membres de la Commission du Travail dans les Mines qu'ils auront à se réunir, dès la fin de la présente séance, afin de discuter sur celle de ces propositions qui les concerne.

Le Président invite la Conférence à procéder à la discussion générale, et consulte à tour de rôle les Délégations sur la part qu'un membre de chacune d'elles compterait y prendre.

M. Delahaye, Délégué de la France, demande la parole.

M. Jules Simon fait remarquer auparavant que la Délégation Française n'a pas d'observations à présenter dans la discussion générale, qu'elle a déjà exposé ses vues devant les diverses Commissions, et qu'elle n'aura plus qu'à y ajouter quelques

explications au cours des discussions spéciales. Dans ces conditions, M. Delahaye ne parlera qu'en son nom personnel.

M. Delahaye prononce un discours sur le développement de la classe ouvrière au point de vue économique, et demande, en terminant, que ses paroles soient imprimées *in extenso* dans le Protocole de la séance, ainsi que le règlement lui en donne le droit.

Le Président prend l'avis de la Conférence au sujet de cette insertion.

M. le Baron Greindl, Délégué de la Belgique, estime qu'il n'est pas permis d'insérer au Protocole l'expression d'opinions personnelles; il croit donc que, sans refuser l'impression aux paroles, d'ailleurs très dignes d'attention, que l'on vient d'entendre, il conviendrait de les insérer autre part que dans le procès-verbal officiel.

Sa Grandeur Mgr. Kopp fait approuver par l'Assemblée la proposition de joindre ce discours en annexe au Protocole.

M. Delahaye accepte cette offre et en remercie le Président et les membres de la Conférence.

M. Blumer, Délégué de la Suisse, s'exprime ensuite de la sorte :—

"M. le Président, Messieurs,

"La Délégation Suisse ne présentera dans cette discussion générale qu'une très courte déclaration qui, à son avis, ne doit donner lieu à aucune discussion de la part de la Conférence.

"Voici cette déclaration:

"Le Conseil Fédéral Suisse aurait admis volontiers, dans le projet primitif du programme qu'il avait élaboré pour la Conférence de Berne, la question de la journée maxima de travail. S'il ne l'a pas fait, c'est qu'il redoutait de voir échouer sur ce point son initiative auprès d'un certain nombre de Gouvernements, par lesquels il désirait voir accepter l'invitation à la Conférence. Mais il avait été très heureux de constater que Sa Majesté l'Empereur d'Allemagne avait abordé ce point dans ses Rescrits du 4 Février, comme l'un de ceux à régler par voie internationale. Il a donc regretté de ne plus le retrouver dans le programme définitif du Gouvernement Impérial. La Délégation Suisse, eu égard aux motifs qui, à sa connaissance, ont fait abandonner cette partie du programme, n'a pas formulé sur ce point, dans l'une ou l'autre des Commissions, une proposition qui n'aurait pas eu actuellement de chance de succès. Elle tient cependant à déclarer que, profondément convaincue de l'importance et de l'opportunité qu'il y aurait à régler internationalement la journée normale de travail, elle n'a renoncé que momentanément et à contre-coeur à proposer que cette question fût traitée."

Le Président constate que la discussion générale est épuisée, et propose d'ouvrir une discussion spéciale sur chacune des questions développées dans les Rapports des Commissions, en suivant l'ordre approuvé, laveille, par l'assemblée.

En réponse à une interrogation de M. Jacobs, Délégué de la Belgique, le Président ajoute que la Conférence sera invitée à voter séparément sur le préambule et chaque paragraphe des propositions émanant des Commissions.

Les conclusions de la Deuxième Commission sur le repos du Dimanche sont, tout d'abord, soumises à l'assemblée.

Sir John Gorst, au nom de la Délégation de la Grande-Bretagne, prend la parole pour formuler des réserves sur l'ensemble de ces propositions.

Les Délégués de la Grande-Bretagne sont parfaitement d'accord avec la Commission, quant au premier paragraphe de la Résolution relative à l'interdiction du travail du Dimanche, mais ils se refusent à admettre les exceptions contenues dans les 2e et 3e paragraphes. Les exceptions au repos du Dimanche ne peuvent pas, à leur avis, être précisées *à priori*, ou se déterminer selon des principes philosophiques.

Car elles auraient ainsi une tendance irrésistible à se multiplier indéfiniment. Nous en avons la preuve dans nos délibérations; il y a trois jours que la Deuxième Commission s'est prononcée sur ces exceptions, et déjà une autre catégorie a été découverte.

Dans leur opinion, on ne peut pas admettre des exceptions à la légère, et par voie d'abstraction; celles-ci doivent ressortir des résultats fournis par l'expérience pratique de l'activité industrielle dans chaque pays. En suivant un tel système, il n'y a pas à craindre que ces exceptions deviennent trop nombreuses. Elles sont surveillées chez nous, avec une circonspection jalouse, par les industries moins favorisées, et aussi par les Associations ouvrières qui tolèrent, seulement en cas de nécessité, des exceptions au repos du Dimanche.

M. Christie, Délégué de la Norvège, s'exprime en ces termes :—

"La Norvège n'ayant pas été à la Deuxième Commission, je demande la permission de faire insérer la déclaration suivante au Protocole. La législation Norvégienne prescrivant une défense générale du travail du Dimanche, je puis sans hésitation accepter pour mon pays toutes les Résolutions votées par la Deuxième Commission sur ce point."

M. Jules Simon tient à résumer les raisons pour lesquelles il s'est déjà prononcé, a titre personnel, en faveur du repos du Dimanche. Il a eu l'occasion de soutenir son opinion sur ce point devant le Sénat Français ; mais il n'a pas encore réussi à la faire prévaloir, et c'est en vue de ce résultat qu'il a accepté la présidence d'une Association, formée en France, pour obtenir le repos dominical.

Sa Grandeur Mgr. Kopp explique que la Commission, dont il était le Président, a dû souvent restreindre l'expression de ses vœux, afin de rallier d'une manière plus complète les différentes opinions en présence. La Délégation Allemande, ajoute-t-il, se réserve, d'ailleurs, de formuler une déclaration spéciale, quand la Conférence en viendra à l'examen des exceptions à admettre au repos du Dimanche.

Le Président met aux voix le préambule ainsi conçu :—

"Il est désirable, sauf les exceptions et délais nécessaires dans chaque pays . . . ."

Adopté à l'unanimité.

Puis, le 1er paragraphe de la première question : "Qu'un jour de repos par semaine soit assuré aux personnes protégées ; "

Adopté à l'unanimité.

Le 2^{e} paragraphe : "Qu'un jour de repos soit assuré à tous les ouvriers de l'industrie ;"

Adopté à l'unanimité, mais avec les réserves ou explications suivantes :

De M. le Ministre d'État Jacobs, au nom de la Belgique :

"Le vote de la Belgique est affirmatif. Permettez-moi d'en résumer les motifs en peu de mots.

"Assurer aux ouvriers un jour de repos hebdomadaire et fixer ce jour de la façon qui leur convient le mieux, c'est-à-dire, au Dimanche, ce n'est pas seulement le désir du Gouvernement Belge, c'est le but qu'il s'efforce d'atteindre dans la mesure des pouvoirs qu'il tient de la loi.

"Les Gouvernements Parlementaires sont esclaves de la Constitution et des lois de leur pays ; ils ne peuvent souscrire des engagements contraires aux prescriptions Constitutionnelles ou aux principes servant de base à la législation, De là, comme l'explique le Rapport de M. Landammann Blumer, l'impossibilité où se trouve le Gouvernement Belge de poursuivre, par voie d'autorité, la réalisation des vœux exprimés dans les paragraphes 2, 3, et 4.

"La Délégation Belge n'eut donc pu s'associer à ces vœux dans leur forme primitive et, si la rédaction que dominaient les mots 'par la loi' eut été maintenue, le vote négatif du Gouvernement Belge lui eut, aux yeux d'un grand nombre donné l'apparence d'un adversaire du repos dominical, alors qu'il en est partisan.

"Vous avez compris ce que cette situation eut eu d'étrange, et vous avez arrêté le texte des paragraphes 2, 3, et 4 sur lequel nous avons à voter, dans des termes qui permettent au Gouvernement Belge d'y adhérer ; je vous en remercie en son nom."

De la part de l'Espagne :—

"Les Délégués de l'Espagne qui n'ont pu assister à toutes les séances de la Deuxième Commission, sont disposés à voter affirmativement le 2^{e} paragraphe de la première question, qui déclare qu'il est désirable, sauf les exceptions et les délais nécessaires dans chaque pays, qu'un jour de repos soit assuré à tous les ouvriers de l'industrie, mais sous la réserve qu'ils entendent que ce repos sera assuré par des conventions privées, par l'action de l'État sur les ouvriers employés dans les travaux publics, ou par tout autre moyen qui n'impose pas *à fortiori* le jour de repos aux ouvriers adultes, qui veulent travailler dans les établissements privés."

De la part des Pays-Bas :—

"La Délégation Néerlandaise fait observer que la loi Néerlandaise n'a pas réglé le travail des ouvriers adultes masculins ; par conséquent, elle se réfère à la déclaration faite à ce sujet devant la Deuxième Commission.

De la part du Portugal :—

"La Délégation du Portugal approuve les conclusions 2, 3, et 4 du Rapport sur le Travail du Dimanche, avec les réserves faites au sein de la Commission concernant les ouvriers adultes."

Le Luxembourg déclare se joindre à la déclaration de la Belgique.

Le troisième paragraphe :—

" Que ce jour de repos soit fixé au Dimanche pour les personnes protégées."

Adopté à l'unanimité, mais avec la réserve suivante de la part des Pays-Bas :—

" La Délégation Néerlandaise fait observer que la loi Néerlandaise permet aux personnes appartenant à un culte n'observant pas le Dimanche comme jour de repos, de fixer le repos hebdomadaire à un autre jour établi par leur culte, de sorte que la Délégation se réfère à la déclaration faite à ce sujet devant la Troisième Commission."

Le quatrième paragraphe :—

" Que ce jour de repos soit fixé au Dimanche pour tous les ouvriers de l'industrie."

Adopté à l'unanimité.

L'Espagne et le Portugal se réfèrent aux réserves déjà exprimées.

Le Délégué du Luxembourg déclare qu'il émet un vote affirmatif, sous les réserves faites en Commission, au sujet de la défense édictée par la Constitution Luxembourgoise de régler le repos du Dimanche par voie législative.

La Délégation de l'Italie annonce qu'elle fera une déclaration finale pour motiver son vote.

La France s'abstient.

Le Président met aux voix la deuxième question, qui se subdivise en deux paragraphes :—

" Des exceptions sont admissibles :—

" (*a*). A l'égard des exploitations qui exigent la continuité de la production pour des raisons techniques, ou qui fournissent au public des objets de première nécessité dont la fabrication doit être quotidienne."

La Conférence adhère à l'unanimité, sauf la Grande-Bretagne, qui s'abstient.

L'Allemagne croit devoir interpréter la portée du paragraphe dont il s'agit en estimant " que l'exception (*a*) s'étend aux travaux indispensables pour assurer la régularité des exploitations."

M. le Ministre d'État Jacobs, au nom de la Belgique, explique son vote affirmatif :—

" La rédaction proposée énumère certaines exceptions à la règle du repos dominical, exceptions qui sont déclarées admissibles.

" La Délégation Belge n'y fait pas d'objection, aucune de ces exceptions n'étant inadmissible à ses yeux, mais ce vote favorable—j'ai à peine besoin de le dire—n'implique aucune adhésion à la réglementation du repos dominical par voie d'autorité."

Le Président met aux voix le deuxième paragraphe :—

" (*b*.) A l'égard des exploitations qui, pas leur nature, ne peuvent fonctionner que dans des saisons déterminées ou qui dépendent de l'action irrégulière des forces naturelles.

" Il est désirable que, même dans les établissements de cette catégorie, chaque ouvrier ait un Dimanche libre sur deux."

Le vote a lieu séparément sur chaque alinéa ; tous deux sont adoptés à l'unanimité.

La Grande-Bretagne s'abstient dans les deux scrutins, et l'Espagne répète la réserve susmentionnée.

La France, par l'intermédiaire de *M. Tolain*, fait entendre la déclaration suivante :—

" La France est d'avis que des exceptions sont nécessaires, mais dans les 2e et 3e paragraphes ces exceptions sont présentées sous une forme qui comprend aussi bien les adultes que les personnes protégées, c'est-à-dire, les enfants et les filles mineures.

" Or, nous avons en France une Loi, celle de 1874, qui interdit pour les enfants et d'une manière absolue, le travail du Dimanche, sauf une unique exception, celle relative au nettoyage des chaudières pour machines à vapeur.

" Nous ne pouvons donc admettre les vœux qui viennent d'être formulées que comme un minimum, et nous tenons à constater que notre législation actuelle assure dores et déjà aux enfants et aux filles mineures une protection beaucoup plus efficace.

" Sous ces réserves, nous adoptons l'ensemble du vœu No. 2."

La Suisse s'associe à l'opinion émise par la France.

Le Président soumet au vote le troisième paragraphe :—

" Dans le but de déterminer les exceptions à des points de vue similaires il est

désirable que leur réglementation soit établie par suite d'une entente entre les différents Gouvernements."

Dix États sont favorables à l'adoption; la France s'abstient; 4 votes négatifs sont émis (Belgique, Espagne, Grande-Bretagne, et Italie).

M. Jacobs justifie en ces termes le vote de la Belgique:—

"Le vote négatif de la Belgique repose sur deux motifs : le repos dominical ne peut, en Belgique, être réglementé par voie d'autorité; en fût-il autrement les exceptions devraient être déterminées d'après les nécessités du pays, nécessités dont la Législature Nationale doit rester seule juge."

La Delégation Italienne donne alors connaissance du texte de la déclaration annoncée par M. Boccardo:—

"Sur les problèmes concernant l'interdiction du travail du Dimanche, la Délégation Italienne doit noter que les conséquences techniques d'une telle interdiction n'ont pas encore été suffisamment étudiées, et qu'en tout cas, plusieurs exceptions seraient nécessaires. Ces exceptions, vu leur multiplicité, la variété de la matière et sa mutabilité continuelle, devraient, au moins pour un certain temps, être arrêtées par des Règlements faits par le Pouvoir Exécutif de chaque État. C'est dans ce sens que la Délégation Italienne a donné son vote affirmatif aux propositions précédentes, considérées comme marquant une tendance vers un but qui ne peut pas être atteint dès aujourd'hui.

"En outre, la Délégation Italienne doit confirmer ce qu'elle a déjà déclaré au sein de la Commission, c'est-à-dire, que, dans les réponses à la première question, on ne saurait voir aucun engagement à régler par la loi le repos hebdomadaire. Et c'est également pour cette raison que la Délégation Italienne doit voter "non" sur la troisième question."

Le Président ouvre la discussion spéciale au sujet des Résolutions contenues dans le Rapport sur le travail des enfants et des jeunes gens.

Sir John Gorst, au nom de la Délégation de la Grande-Bretagne, prononce le discours suivant:—

"Les Délégués de la Grande-Bretagne sont d'avis que la Conférence ne devrait pas prendre sur elle la responsabilité d'admettre que la limite d'âge, pour le travail des enfants dans les pays méridionaux, soit fixée à 10 ans. La limite à 12 ans a été généralement adoptée par la Conférence, en considération des exigences du développement physique, moral, et intellectuel des enfants.

"C'est notamment parce que des délais plus restreints ne suffiraient pas pour donner l'instruction primaire nécessaire et pour faire de bons citoyens, que ces premières années de la vie devraient être consacrées à l'éducation. Si les pays méridionaux sont d'avis que, dans les conditions qui leur sont spéciales, il est possible d'abréger cette période pour les enfants, ils devraient adopter d'eux-mêmes des mesures dans ce sens, et ne pas rejeter sur la Conférence la responsabilité d'une sanction internationale.

"Les Délégués de la Grande-Bretagne, quoiqu'ils sympathisent entièrement avec les motifs qui ont inspiré la quatrième proposition, à savoir, que les enfants doivent tout d'abord satisfaire aux prescriptions concernant l'instruction primaire, constatent avec regret qu'ils ne peuvent pas voter cet Article dans sa forme actuelle, à cause de la législation qui régit leur pays. Le 'Factory Act' ne prescrit aux enfants aucune condition préalable d'instruction primaire; mais, comme garantie de la bonne éducation dans les familles d'ouvriers, il est absolument défendu aux parents et aux patrons de faire travailler un enfant, sauf sous la condition qu'il soit instruit dans une école primaire pendant la moitié de la journée, ou pendant toute la durée d'un jour sur deux. Il en résulte que les enfants insuffisamment instruits, du moment qu'ils entrent dans les établissements industriels, sont obligés de continuer à fréquenter les écoles, où ils reçoivent l'éducation qui leur manque. Ce système, qui s'appelle le 'half-time system,' a produit de très bons résultats pendant plus de quarante ans, et nous ne voulons pas le changer d'une manière inconsidérée; c'est par là, ainsi que par les dispositions de 'l'Education Act,' que nous croyons atteindre effectivement le but visé par la Conférence, et c'est aussi pourquoi nous ne pouvons pas voter la quatrième Resolution, telle qu'elle est rédigée.

"Les Délégués de la Grande-Bretagne ont voté les vœux de la Troisième Commission limitant le travail journalier des enfants, des jeunes ouvriers, et des femmes; ils auraient même voulu les étendre davantage. Ils sont d'avis que les dispositions du 'Factory and Workshops' Act, 1878' satisfont à tous les vœux de la Conférence, tout en présentant quelques différences dans les détails. Nous nous permettons de rappeler à la Conférence que notre 'Act' Anglais est le produit d'une

expérience de près d'un siècle, et qu'il est, pour ainsi dire, une espèce de traité, entre les patrons et les ouvriers, conclu par l'intermédiaire du Gouvernement.

"Selon les dispositions de cet 'Act,' les travaux des enfants, des jeunes ouvriers, et des femmes sont limités, avec une précaution minutieuse, à certaines heures déterminées de la façon la plus détaillée. Les intervalles nécessaires pour le repos, et le 'half-holiday' du Samedi sont prescrits dans toutes les industries, d'après le système suivant:

"Les enfants ne travaillent, dans aucune industrie, pendant plus de 60 heures en quinze jours, et, dans les industries textiles, pendant 56½ heures seulement. Ce qui fait une moyenne de cinq heures par jour pour les premiers, et de moins encore pour les autres; mais il est possible qu'un enfant de plus de 13 ans acquière prématurément le 'status' d'un jeune ouvrier, s'il a satisfait aux conditions de l'instruction primaire.

"Les jeunes ouvriers et les femmes ne travaillent que 60 heures par semaine, et dans les industries textiles, pendant 56½ heures seulement. Ce qui fait une moyenne de dix heures par jour dans les unes et de moins encore dans les autres.

"Nous pouvons prendre l'engagement pour la Grande-Bretagne que notre Gouvernement, fidèle à ce qu'il a fait dans le passé, se conformera résolument dans l'avenir, si même il ne les devance, aux principes bienfaisants de la Conférence."

M. Boccardo rappelle que, devant la Troisième Commission, les Délégués de l'Italie ont donné les raisons pour lesquelles l'admission des enfants dans les fabriques doit précéder de deux années aux moins, pour les pays méridionaux, l'âge adopté pour les pays du nord. Du reste, les instructions formelles de leur Gouvernement obligent les Délégués à subordonner à cette condition leur vote dans toutes les questions qui concernent le travail des enfants et des jeunes ouvriers.

La Conférence passe au vote sur les sept Articles de la première Résolution.

"Il est désirable—

"1. Que les enfants des deux sexes n'ayant pas atteint un certain âge soient exclus du travail dans les établissements industriels."

Adopté à l'unanimité.

"2. Que cette limite d'âge soit fixé à 12 ans, sauf pour les pays méridionaux, où cette limite serait de 10 ans."

Sur la proposition du *Président*, la Conférence décide de procéder à un vote distinct pour chacune des deux parties de la phrase. Le Délégué d'Italie, en présence de cette division, croit devoir réserver son vote.

La première partie de l'Article est adoptée à l'unanimité, sauf trois abstentions (Danemark, Espagne, Suisse). Les Délégués de la Suisse déclarent que leur pays, ayant proposé 14 ans, ne peut voter la présente Résolution.

La deuxième partie est adoptée à la majorité de 8 voix contre 2 (Grande-Bretagne, Suisse).

Se sont abstenus: la Belgique, le Danemark, la France, la Suède, et la Norvège.

M. Jacobs explique que la Belgique, qui avait voté affirmativement dans la Commission, s'est abstenue, après réflexion, faute d'éléments suffisants pour apprécier la situation des pays méridionaux.

M. Burdeau, au nom des Représentants Français, fait savoir que la Délégation s'est abstenue parce que la France n'a pas d'intérêt dans la question, et qu'elle se borne à constater le vœu exprimé par les pays méridionaux.

"3. Que ces limites d'âge soient les mêmes pour tout établissement industriel, et qu'il ne soit admis sous ce rapport aucune différence."

Adopté à l'unanimité.

La Délégation Autrichenne tient à constater qu'elle ne considère comme "établissements industriels," selon les lois de son pays, que les fabriques et les usines.

4. "Que les enfants aient préalablement satisfait aux prescriptions concernant l'instruction primaire."

Adopté à la majorité de 11 voix contre 2 (Danemark, Grande-Bretagne).

Se sont abstenus: la Belgique et les Pays-Bas.

La Délégation du Danemark désire exprimer les raisons qui l'obligent à voter contre cette Résolution.

"Selon la Loi sur l'instruction primaire en vigueur en Danemark, on élèverait actuellement par une telle stipulation, la limite d'âge jusqu'à la 13e, et même, dans beaucoup de cas, jusqu'à la 14e année."

La Grande-Bretagne motive son vote négative par la Résolution de maintenir le "half-time system."

M. Jacobs présente, au nom de la Délégation Belge, les explications suivantes:—

"Rien dans le programme de la Conférence ne permettait de prévoir que des questions relatives à l'instruction primaire y seraient soulevées. C'est un premier motif de l'abstention des Délégués Belges.

"Il en est un second: la disposition qui nous occupe ne peut se rapporter qu'aux pays qui ont introduit dans leur législation l'instruction obligatoire; elle ne concerne donc pas la Belgique, qui poursuit le développement de l'instruction primaire par l'action féconde de la liberté."

Les mêmes raisons sont fournies pour justifier l'abstention des Pays-Bas.

"5. Que les enfants au-dessous de 14 ans révolus ne travaillent ni la nuit, ni le Dimanche."

Adopté à l'unanimité.

La Belgique, le Luxembourg, et les Pays-Bas se réfèrent aux réserves déjà faites au sujet du repos du Dimanche.

Le Délégué Italien renouvelle la réserve formulée au paragraphe 2, relativement à toutes les limites d'âge qui doivent être adoptées pour les pays méridionaux.

"6. Que leur travail effectif ne dépasse pas six heures par jour, et soit interrompu par un repos d'une demi-heure au moins."

Adopté à la majorité de 11 voix contre 3 (Belgique, Italie, Pays-Bas).

La Hongrie s'est abstenue.

L'Autriche motive son vote affirmatif, en se référant aux raisons données devant la Commission, et qui sont contenues dans le Rapport.

Au nom de la Délégation Belge, *M. Jacobs* donne l'explication suivante de son vote négatif:—

"Une Loi Belge toute récente veut que la durée du travail des enfants de 12 à 16 ans soit fixée par le Roi, dans un délai de trois ans, après avoir pris l'avis des Conseils de Conciliation, des Députations Permanentes, et du Conseil Supérieur d'Hygiène, la loi suppose que la durée de travail différera suivant la nature des occupations et les nécessités des industries, professions, et métiers.

"Les Délégués Belges se mettraient en opposition avec la loi de leur pays si, devançant l'expérience prescrite, ils s'associaient à la proposition de limiter à six heures la durée du travail des enfants de 12 à 14 ans.

"Les mêmes raisons justifient leurs votes contraires au paragraphe 2 de la série de Résolutions relatives aux jeunes ouvriers, et au paragraphe 2 de celle relative aux femmes."

L'Italie et les Pays-Bas rappellent, au sujet de leur vote négatif, les déclarations contenues dans le Rapport.

"7. Que les enfants soient exclus des occupations insalubres ou dangereuses, ou n'y soient admis que sous certaines conditions protectrices."

Adopté à l'unanimité.

La Conférence aborde la discussion spéciale sur la Résolution concernant le travail des jeunes ouvriers dans les établissements industriels, et passe immédiatement au vote.

"Il est désirable—

"1. Que les jeunes ouvriers des deux sexes de 14 à 16 ans ne travaillent ni la nuit, ni le Dimanche."

Adopté à la majorité de 14 voix contre 1 (Italie), le Luxembourg se référant à la réserve concernant le repos du Dimanche.

"2. Que leur travail effectif ne dépasse pas dix heures par jour et soit interrompu par des repos d'une durée totale d'une heure et demie au moins."

Adopté à la majorité de 10 voix contre 3 (Belgique, Italie, et Pays-Bas). Se sont abstenus: l'Autriche, pour les motifs contenus dans le Rapport, de même que la Hongrie et les Pays-Bas.

"3. Que des exceptions soient admises pour certaines industries."

Adopté à la majorité de 14 voix contre 1 (Suisse).

M. Boccardo, pour la Délégation Italienne, déclare que parmi les exceptions dont il s'agit, les Délégués Italiens ont visé particulièrement l'industrie de la filature de la soie. Cette déclaration s'applique aussi aux autres délibérations de la Conférence.

"4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses."

Adopté à l'unanimité.

"5. Qu'une protection soit assurée aux jeunes garçons de 16 à 18 ans, en ce qui concerne:

"(*a.*) Une journée maxima de travail;

"(*b.*) Le travail de nuit;

"(*c.*) Le travail du Dimanche ;

"(*d.*) Leur emploi dans des occupations particulièrement insalubres ou dangereuses."

Sur la proposition du *Président*, la Conférence procède à des votes distincts sur le préambule et les quatre subdivisions.

Pour la Belgique, *M. Jacobs* déclare :—

"La Loi Belge fixe à 16 ans l'extrême limite de la protection légale accordée aux jeunes ouvriers du sexe masculin. Cette Loi date d'hier. La Conférence comprendra que les Délégués Belges ne puissent s'en écarter."

Le préambule et la subdivision (*a*) sont adoptés par 12 voix contre 3 (Belgique, Italie, et Pays-Bas).

L'Allemagne émet, au sujet de la subdivision (*a*), un vote affirmatif, mais sous la réserve que la restriction de la journée de travail n'ait lieu que pour des motifs hygiéniques, et que cette restriction ne dépasse pas celle prévue pour la journée des femmes et filles âgées de plus de 21 ans.

La subdivision (*b*) est adoptée à la majorité de 10 voix contre 3 (Belgique, Italie, et Pays-Bas). Se sont abstenus : l'Autriche et la Hongrie, celle-ci se référant aux motifs exposés devant la Commission.

La subdivision (*c*) est adoptée par 12 voix contre 3 (Belgique, Luxembourg, et Pays-Bas) ; ce dernier État explique son vote négatif, en déclarant que le travail du Dimanche en Hollande n'est pas interdit aux personnes masculines au-dessus de l'âge de 16 ans par les Lois sur le travail, ce qui n'empêche pas que la Loi sur le repos de Dimanche interdit en général avec quelques exceptions le travail public pendant ce jour.

La subdivision (*d*) est adoptée par 14 voix contre celle des Pays-Bas.

M. Jules Simon déclare que la France adhère à ce vœu, sous réserve des observations qu'elle aura à présenter, lorsqu'il s'agira des mines, pour qu'il n'y ait point contradiction entre les deux votes.

La Résolution concernant le travail des femmes dans les établissements industriels est soumise à l'examen de la Conférence.

La Délégation du Portugal renouvelle les réserves et les déclarations qui ont été faites par elle devant la Commission, au sujet des femmes âgées de plus de 21 ans.

M. Jules Simon fait remarquer que la rédaction proposée réunit deux questions, où les votes ont été différents en Commission et peuvent l'être en séance plénière : ce qui concerne les filles et femmes mineures de 21 ans, et ce qui concerne les femmes adultes. La France, pour sa part, vote "oui" sur le premier point, "non" sur le second. Il demande la division.

Sur une observation présentée par *M. Jacobs*, disant que le vote relatif au Dimanche fait double emploi avec les votes déjà émis sur les propositions de la Deuxième Commission, la Conférence décide que la question du Dimanche, étant résolue, sera écartée de la discussion et du vote, et approuve la division demandée par M. Jules Simon.

On passe au vote sur les divers paragraphes :—

"Il est désirable—

"1. (*a.*)—Que les filles et les femmes de 16 à 21 ans ne travaillent pas la nuit."

Adopté à l'unanimité. L'Espagne s'abstient.

"1. (*b.*)—Que les filles et les femmes de plus de 21 ans ne travaillent pas la nuit."

Adopté à la majorité de 8 voix contre 5 (Belgique, Espagne, France, Italie, et Portugal). Se sont abstenus : le Danemark et la Suède.

L'explication donnée par *M. Jacobs* au sujet de son vote négatif est la suivante :—

"La Résolution proposée limite la durée du travail des femmes, quel que soit leur âge. La Loi Belge du 13 Décembre, 1889, repose sur le principe de la liberté du travail des personnes majeures, quel que soit leur sexe. Les Délégués Belges se mettraient en opposition avec la loi de leur pays en assimilant la femme majeure à la femme mineure ; leur vote est négatif."

L'Espagne a voté également contre la proposition, parce que ses Délégués croient qu'il convient d'assurer une certaine protection aux filles et aux femmes de plus de 16 ans, en ce qui concerne le travail de nuit et du Dimanche, mais qu'on ne doit pas porter atteinte à la liberté d'action de celles qui jouissent de leur pleine capacité juridique.

2. "Que leur travail effectif ne dépasse pas onze heures par jour et qu'il soit interrompu par des repos d'une durée totale d'une heure et demie au moins."

Adopté par 9 voix contre 2 (Belgique et Italie). Se sont abstenus : le Danemark, l'Espagne, la Hongrie, et le Portugal.

La France approuve, sous réserve de la distinction qu'elle a posée entre les mineurs et les adultes.

La Grande-Bretagne, tout en votant oui, regrette que la Résolution ne soit pas conçue dans un sens assez largement protecteur.

Les Pays-Bas se réfèrent aux réserves faites devant la Commission, quant à la durée totale du temps de repos.

La Suède approuve également, mais avec une réserve relative aux femmes au-dessus de 21 ans. La Norvège approuve, avec la même réserve.

3. " Que des exceptions soient admises pour certaines industries."

Adopté à la majorité de 13 voix contre celle de la Suisse, le Portugal s'étant abstenu.

" 4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses ;

" 5. Que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement."

Ces deux derniers paragraphes sont adoptés à l'unanimité.

Le Président annonce que le Rapport de la Commission sur le Travail dans les Mines n'est pas encore prêt, et demande si la Conférence ne voudrait pas procéder immédiatement à l'examen des vœux émis par la Quatrième Commission.

M. Tolain fait observer qu'il conviendrait de n'aborder cette discussion qu'après avoir entendu tous les autres Rapports.

Le Danemark se prononce dans le même sens.

A la demande de *M. Santamaria*, qui reproduit les réserves qu'il a faites dans les Commissions, *le Président* déclare que les Rapports des Commissions formeront les annexes des Protocoles des séances. Il fait enfin accepter par la Conférence la fixation d'une nouvelle réunion plénière au lendemain, à 11 heures.

La séance est levée à 5 heures.

(Translation.)

Protocol No. 5.—Meeting of March 27, 1890.

Present :

Germany—

His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
Mgr. Dr. Kopp, Prince-Bishop of Breslau.
Herr Reichardt, Director in the Foreign Office.
Herr Lohmann, Superior Privy Councillor of Administration.
Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
Herr Koechlin, Manufacturer and Councillor of State.

Austria-Hungary—

Baron Béla Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
Herr Joseph Szterényi, Hungarian Factory Inspector.
Dr. Schulz, Secretary to the Austro-Hungarian Delegates.

Belgium—
Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
M. Victor Jacobs, Minister of State, Member of the Chamber of Representatives.
Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.
M. Émile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.

Denmark—
M. C. F. Tietgen, Privy Councillor of State.
M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
M. L. Bramsen, Director of Assurance Companies.

Spain—
M. Manuel Fernandez de Castro, Senator, Inspector-General of Mines.
M. Vicente Santamaria de Paredes, Deputy and Director-General of Public Instruction.

France—
M. Jules Simon, Senator.
M. Tolain, Senator.
M. Burdeau, Deputy.
M. Linder, Vice-President of the Superior Council of Mines.
M. Victor Delahaye, Machinist.
M. Jacquot, French Consul-General at Leipzig.
M. Laporte, Divisional Inspector of Child Labour in Factories.
M. Pellé, Mining Engineer.
M. A. Lebon, Secretary to the French Delegates.

Great Britain—
The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Mine-owner.
Mr. T. Burt, M.P., Secretary of the Miners' Association.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. F. H. Whymper, Inspector of Factories.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—
M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—
Dr. Alexis Brasseur, Deputy, and Mine-owner.

Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
M. Ernesto Madeira Pinto, Councillor and Director-General in the Department of Commerce.
M. J. P. Oliveira Martins, Administrator of the Government Tobacco Monopoly, formerly Deputy.

Sweden and Norway—
M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.
Count Wrangel, Secretary of the Swedish and Norwegian Delegates.

Switzerland—
M. E. Blumer, Landammann of the Canton of Glaris.
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

The sitting, under the presidency of his Excellency the Baron de Berlepsch, opens at half-past 2.

The President having stated that the new proposals of which he spoke at the end of the preceding sitting had been referred back for examination by the respective Commissions, *His Eminence Mgr. Kopp* announces, on behalf of the Second Commission of which he is President, that the proposal drawn up by the German Delegation will be substituted by a declaration to be read at the time of taking the vote.

M. Hauchecorne informs the Commission on Work in Mines that they must meet again, after the present sitting, to discuss so much of these proposals as concern them.

The President invites the Conference to proceed with the general discussion, and consults the Delegations in their proper order as to the part which one member of each should take in it.

M. Delahaye, Delegate of France, rises to speak.

M. Jules Simon first observes that the French Delegation has no remarks to make in the general discussion, that their views have already been enunciated before the different Commissions, and that it only remains to add some explanations in the course of special discussions. Under these circumstances, M. Delahaye will only speak on his own behalf.

M. Delahaye delivers a speech on the development of the working classes from an economic point of view, and asks at its close that his utterances may be printed *in extenso* in the Protocol of the sitting in accordance with the right conferred on him by regulation.

The President consults the Conference on the subject of this insertion.

Baron Greindl, Belgian Delegate, considers it irregular to insert in the Protocol an expression of individual opinion. He therefore considers that while not refusing to print the remarks they have just heard, and which are, moreover, very deserving of attention, it would be preferable to insert them elsewhere rather than in the official Minutes.

His Eminence Mgr. Kopp obtains the concurrence of the meeting to a proposal to attach the speech as an annex to the Protocol.

M. Delahaye accepts this offer, and thanks the President and members of the Conference for it.

M. Blumer, Swiss Delegate, then says:—

"M. President and Gentlemen,

"The Swiss Delegation will only put forward in this general discussion a very short declaration which they consider need not give rise to any discussion on the part of the Conference.

"The declaration is as follows:

"The Swiss Federal Council would have willingly included the question of a maximum working day in the original draft of the programme which had been prepared for the Berne Conference. If they did not do so, it was because they were apprehensive of their initiative failing on this account with certain Governments by whom they wished their invitation to a Conference to be accepted. But they were very glad to note that His Majesty the German Emperor had mentioned the subject in his rescripts of the 4th February as one of those to be settled internationally. He regretted, therefore, no longer to find it in the definitive programme of the Imperial Government. The Swiss Delegation having regard to the considerations which, to its knowledge, had led to the abandonment of this part of the programme, had refrained from bringing forward in either of the Commissions a proposal on this subject, which, as a matter of fact, would have had no chance of success. They are bound, however, to declare that

being deeply convinced of the importance of the subject, and of the opportunity afforded for fixing a normal day's work internationally, that they have only refrained for the time being, and against their own wish, from bringing forward a proposal for dealing with this question.

The President announces that the general discussion is terminated, and proposes opening a special discussion on each of the questions raised in the Reports of the Commissions, following the order approved by the meeting on the previous day.

In reply to an inquiry by M. Jacobs, Belgian Delegate, the President adds that the Conference will be invited to vote separately on the preamble, and each paragraph of the proposals of the Commission.

The recommendations of the Second Commission on Sunday rest are first submitted to the meeting.

Sir John Gorst, on behalf of the British Delegation, rises to formulate certain reservations on these proposals as a whole.

The Delegates of Great Britain entirely agree with the Commission so far as regards the first paragraph of the Resolution relating to the prohibition of Sunday labour, but they decline to admit the exceptions embodied in the 2nd and 3rd paragraphs. Exceptions in regard to Sunday rest cannot, in their opinion, be defined *à priori,* or determined on philosophical principles.

By so doing there would be an irresistible tendency to multiply them indefinitely. We have had a proof of this in our deliberations. The Second Commission discussed these exceptions three days ago, and another category has already been discovered.

In their opinion, exceptions cannot be admitted lightly or in the abstract. They must depend on results derived from practical experience of industrial activity in each country. By following such a course there is no reason to apprehend exceptions becoming too numerous. In Great Britain they are watched with jealous circumspection by less favoured industries, and likewise by labour Associations which only permit exceptions to Sunday rest in case of necessity.

M. Christie, Norwegian Delegate, expresses himself as follows:—

"Norway not having been represented on the Second Commission, I beg leave to insert the following declaration in the Protocol. As Norwegian legislation prohibits Sunday labour generally, I can unhesitatingly accept, on behalf of my country, all the Resolutions voted by the Second Commission on this subject."

M. Jules Simon recapitulates the reasons which he has already expressed on his own behalf in favour of Sunday rest. He has had an opportunity of upholding his views on this question in the French Senate, but he has not yet succeeded in getting them adopted, and it is in consequence of this that he has accepted the presidency of an Association formed in France for securing rest on the Lord's day.

His Eminence Mgr. Kopp explains that the Commission, of which he was President, had frequently to restrain the expression of their wishes, in order the more readily to reconcile the different opinions of those present. The German Delegation, he adds, reserves the right to draw up a special declaration when the Conference comes to examine what exceptions should be admitted in regard to Sunday rest.

The President puts to the vote a preamble worded as follows:—

"It is desirable, subject to the exceptions and delays necessary in each country . . ."

Unanimously agreed.

Then the first paragraph of the first question: "That one day of rest during the week be assured to persons protected;"

Unanimously agreed.

The second paragraph: "That one day of rest be assured to all factory workmen;"

Unanimously agreed to, but with the following reservations or explanations:

From M. Jacobs, in the name of Belgium:

"The Belgian vote is affirmative. Allow me to sum up its motives shortly.

"To assure a weekly day of rest to workmen, and to fix this day in the way which suits them best, *i.e.*, for Sunday, is not only the wish of the Belgian Government, but is the object which it endeavours to obtain within the limits of the powers which it holds from the law.

"Parliamentary Governments are slaves of the Constitution and laws of their country; they cannot subscribe to resolutions contrary to Constitutional precept, or to the principles which serve as the basis of legislation. Hence, as the Report of M. le Landammann Blumer explains, arises the impossibility in which the Belgian Government finds itself, of bringing about, by means of authority, the realization of the wishes expressed in paragraphs 2, 3, and 4.

"The Belgian Delegation could not then have supported these wishes in their primitive form, and if the wording involving the phrase 'by law' had been maintained, the negative vote of the Belgian Government would, in the eyes of a large number of persons, have given them the appearance of being adverse to Sunday rest, whereas they are in favour of it.

"You have comprehended the strangeness of such a situation, and you have drawn up the texts of paragraphs 2, 3, and 4, on which we have to vote, in terms which allow the Belgian Government to support them, for which I thank you in their name."

On behalf of Spain:—

"The Spanish Delegates, who have been unable to attend all the sittings of the Second Commission, are disposed to vote in favour of the second paragraph of the first question, which declares the desirability, saving necessary exceptions and delays in each country, of assuring to all industrial workmen a day of rest, but under the reservation that they stipulate that this rest shall be assured by private arrangement, by the action of the State exercised over workmen employed in public works, or by any other means not actually enforcing *à fortiori* the day of rest on adult workmen who wish to work under private firms."

On behalf of the Netherlands:—

"The Netherland Delegation remarks that the Netherland law has not regulated the work of adult male workmen; consequently, they must refer to the declaration made before the Second Commission on the subject."

On behalf of Portugal:—

"The Portuguese Delegation approves the Resolutions 2, 3, and 4 of the Report on Sunday labour, with the reservations made before the Commission, concerning adult workmen."

Luxemburg declares in favour of the Belgian declaration.

The third paragraph:—

"That this day of rest be fixed for Sunday for protected persons."

Unanimously adopted, with the following reservation, on behalf of the Low Countries:—

"The Netherland Delegation remarks that the Netherland law allows persons belonging to a sect which does not observe Sunday as a day of rest to fix their weekly rest for any other day chosen by their sect, so that the Delegation refers to its declaration made before the Third Commission on this subject."

The fourth paragraph:—

"That this day of rest be fixed for Sunday for all factory workers."

Unanimously adopted.

Spain and Portugal refer to the reservations already expressed by them.

The Delegate of Luxemburg declares that he gives his vote in the affirmative, subject to the reservations made before the Commission, on the subject of the prohibition of the Luxemburg Constitution against regulating Sunday labour by legislation.

The Italian Delegation announce that they will make a final declaration to explain their vote.

France abstains from expressing an opinion.

The President puts the second question to the vote, dividing it into two paragraphs:—

"Exceptions are admissible:—

"(*a.*) In regard to work which calls for continuance of production for technical reasons, or which supply the public with objects of prime necessity, which must be made every day."

The Conference accepts it unanimously, with the exception of Great Britain, which abstains from voting.

Germany thinks it right to interpret the bearing of the paragraph in question by holding the view that the "exception (*a*) extends to work indispensable for insuring the regularity of the work."

M. Jacobs, in the name of Belgium, explains his affirmative vote as follows:—

"The proposed wording enumerates certain exceptions to the rule of Sunday rest, which are declared to be admissible.

"The Belgian Delegation has no objection to this, all these exceptions being in their eyes admissible; but I need hardly say that this favourable vote implies no adherence to the regulation of Sunday labour by authority."

The President puts the second paragraph to the vote:—

"(*b.*) With regard to workings which by their nature can only be carried on at special seasons, or are dependent on the irregular action of natural forces.

"It is desirable that even in establishments of this class each workman have one Sunday in two free."

The vote is taken separately on each head; both are unanimously adopted.

Great Britain abstains in both cases from voting, and Spain repeats the reservations mentioned above.

France, through *M. Tolain*, makes the following declaration:—

"France is of opinion that exceptions are necessary, but in paragraphs 2 and 3 these exceptions are so designated as to include adults as well as protected persons, that is to say, children and girls under age.

"Now, in France we have a Law, that of 1874, prohibiting absolutely Sunday labour for children, with one single exception, that relative to the cleaning of the boilers of steam-engines.

"We cannot therefore support the proposals just made except as a minimum, and we are bound to state that our present legislation already assures to children and girls under age a far more efficacious protection.

"With these reservations we adopt the whole of proposal No. 2."

Switzerland joins in the opinion expressed by France.

The President puts the third paragraph to the vote:—

"With the object of determining the exceptions from similar points of view, it is desirable that their regulation be established by means of an agreement between the different Governments."

Ten States are in favour of the adoption of this proposal; France abstains; four negative votes are recorded (Belgium, Spain, Great Britain, and Italy).

M. Jacobs justifies as follows the vote of Belgium:—

"The negative vote of Belgium rests on two grounds. Sunday rest cannot, in Belgium, be regulated by authority; were it otherwise the exceptions should be determined in accordance with the necessities of the country, necessities of which the National Legislature must be the only judge."

The Italian Delegation then communicates the text of the declaration made by M. Boccardo:—

"On the problems concerning the prohibition of Sunday labour, the Italian Delegation must remark that the technical consequences of such a prohibition have not yet been sufficiently studied, and that in any case many exceptions would be necessary. These exceptions, in view of their great numbers, the diversity of the subject and its perpetual changes, should, for a certain time at any rate, be guided by Regulations made by the Executive Power of each State. It is in this sense that the Italian Delegation has given its vote in the affirmative to the preceding proposals, considering them as marking a tendency towards an end which cannot be reached now.

"The Italian Delegation also confirms what they have already declared before the Commission, that is to say, that in the answers to the first question no obligation is implied of regulating Sunday rest by law, and similarly for this reason the Italian Delegation must vote against the third question."

The President opens the special discussion on the subject of the Resolutions contained in the Report on the labour of children and young people.

Sir J. Gorst, in the name of the Delegation of Great Britain, speaks as follows:—

"The Delegates of Great Britain are of opinion that the Conference should not take on itself the responsibility of admitting that the limit of age, for the work of children in southern countries, be fixed at 10 years. The limit of 12 years has been generally adopted by the Conference in consideration of the demands of physical, moral, and intellectual development of the children.

"It is specially because lesser restrictions would not be sufficient for the necessary primary instruction, nor for the making of good citizens, that these first years of life should be consecrated to education. If the southern countries are of opinion that under their special circumstances it is possible to abridge this time for children, they should themselves adopt measures of this kind, and not put upon the Conference the responsibility of an international sanction.

"The Delegates of Great Britain, although entirely sympathizing with the motives which have inspired the fourth proposal, that is, that the children should first of all satisfy the demands of primary instruction, announce with regret their inability to vote for this proposal in its actual form owing to the legislation obtaining in their country. 'The Factory Act' prescribes no previous condition of primary instruction for children; but as guarantee of good education in workmen's families, parents and employers are absolutely forbidden to allow a child to work except on condition that it receives instruction in a primary school during half the day, or during the whole of

one day in two. The result is that children insufficiently instructed, from the moment of their entry into a factory, are obliged to continue to go to school, where they receive the education which they have missed. This system, known as the 'half-time system,' has been followed by very good results for more than forty years, and we have no wish to change it without due consideration; it is in this way, as well as by the provisions of 'The Education Act,' that we hope to effectively arrive at the end aimed at by the Conference, and this is the reason of our inability to vote for the fourth Resolution worded as it is.

"The Delegates of Great Britain have agreed to the proposals of the third Commission limiting the daily labour of children, young workers, and women; they would even have wished to extend them still further. They are of opinion that the provisions of 'The Factory and Workshops' Act, 1878,' satisfy all the wishes of the Conference, although offering some differences in their details. We take the liberty of reminding the Conference that our English Act is the product of nearly a century's experience, and that it is, so to speak, a sort of Treaty between employers and workmen, concluded by the intervention of the Government.

"According to the provisions of this Act, the labour of children, young workers, or women is limited with minute precaution to certain hours fixed in the most detailed manner. The intervals necessary for repose, and the 'half-holiday' on Saturday, are provided in all industries in the following manner:

"Children do not in any industry work more than 60 hours in a fortnight, and in the textile industries for 56½ hours only. This gives an average of 5 hours a-day for the first, and still less for the others; but it is possible for a child over 13 to acquire before his time the 'status' of a young worker, if he has satisfied the conditions of primary education.

"Young workers and women only work 60 hours weekly, and in textile industries 56½ hours only. This gives an average of 10 hours a-day for the one, and still less for the others.

"We can pledge ourselves for Great Britain that our Government, faithful to its action in the past, will conform resolutely in the future, if it does not even go beyond them, to the benevolent principles of the Conference."

M. Boccardo points out that in the third Commission the Italian Delegates gave reasons why children should be employed in factories at least two years earlier in southern than in northern countries. Moreover, their formal official instructions compel the Delegates to make them vote on all questions affecting child labour and young workers dependent on this condition.

The Conference proceeds to vote on the seven Articles of the first Resolution.

"It is desirable—

"1. That children of both sexes who have not reached a certain age should be excluded from work in factories."

Carried unanimously.

"2. That this limit of age be fixed at 12 years, except for southern countries, where the limit may be 10 years."

At the instance of *the President*, the Conference decides to take a separate vote on each portion of the clause. The Italian Delegate, in consequence of this division, feels he must reserve his vote.

The first part of the Article is carried unanimously with the exception of three abstentions (Denmark, Spain, and Switzerland). The Swiss Delegates state that their country, having proposed 14 years, cannot support the present Resolution.

The second part is adopted by a majority of 8 to 2 (Great Britain and Switzerland).

The following abstained: Belgium, Denmark, France, Sweden, and Norway.

M. Jacobs explains that Belgium, who voted in support in Commission, has, upon reflection, abstained in the absence of sufficient material to appreciate the position of southern countries.

M. Burdeau, in the name of the French Representatives, announces that the Delegation have abstained because France has no interest in the question, and she confines herself to noting the view expressed by southern countries.

"3. That these limits of age should be the same in all factories, and that there should be no distinction in this respect."

Carried unanimously.

The Austrian Delegation states that according to their laws "industrial establishments" comprise only factories and mills.

"4. That children have first conformed to the requirements as regards primary instruction."

Carried by a majority of 11 votes to 2 (Denmark and Great Britain).

Belgium and Netherlands abstained.

The Danish Delegation desires to state their reasons for voting against this Resolution.

"According to the Law regulating primary instruction in Denmark the limit of age is specially fixed at 13, and in many cases 14 years."

Great Britain's adverse vote is on account of the Resolution to maintain the "half-time system."

M. Jacobs offers, in the name of the Belgian Delegation, the following explanations:—

"Nothing in the programme of the Conference warrants the anticipation that questions relating to primary instruction would be raised at it. This is one of the chief motives for the Belgian Delegates abstaining.

"There is a second: the provision under consideration can only apply to countries who have introduced compulsory instruction into their legislation. It does not therefore concern Belgium, which pursues the development of primary instruction by the fruitful action of freedom."

The same reason is put forward to justify the abstention of the Netherlands.

"5. That children under 14 years of age complete should not work by night or on Sunday."

Carried unanimously.

Belgium, Luxembourg, and the Netherlands refer to the reservations already put forward with regard to Sunday rest.

The Italian Delegate reiterates the reservation formulated on paragraph 2 respecting all the limits of age which should be adopted by southern countries.

"6. That their actual work does not exceed six hours a-day, with an interval of at least half-an-hour's rest."

Carried by a majority of 11 votes to 3 (Belgium, Italy, and the Netherlands).

Hungary abstained.

Austria explains her supporting vote by referring to reasons given before the Commission, and which are contained in the Report.

In the name of the Belgian Delegation, *M. Jacobs* offers the following explanation on his negative vote:—

"A recent Belgian Law provides that the duration of labour of children from 12 to 16 years of age shall be fixed by the King within three years, after consulting the Board of Conciliation, the Permanent Deputation, and Superior Council of Health. The law contemplates that the duration of labour will differ according to the nature of occupations and the necessities of different industries, professions, and calling.

"The Belgian Delegates would be putting themselves in opposition to the law of their country if, in advance of the directions of experience, they associated themselves with the proposal for limiting to six hours the duration of the labour of children from 12 to 14 years old.

"The same reasons justify their votes contrary to paragraph 2 of the series of Resolutions relative to young workmen, and to paragraph 2 of that relative to women."

Italy and the Netherlands recall, on the subject of their negative vote, the declarations contained in the Report.

"7. That children be excluded from unhealthy or dangerous occupations, or be only admitted to them under certain protective conditions."

Unanimously adopted.

The Conference opens the special discussion on the Resolution concerning the labour of young workmen in factories, and immediately proceeds to the vote.

"It is desirable—

"1. That young workers of both sexes from 14 to 16 work neither by night, nor on Sundays."

Adopted by a majority of 14 to 1 (Italy), Luxembourg referring back to the reservation concerning Sunday rest.

"2. That their actual work do not exceed ten hours a-day, and be interrupted by a rest of a total duration of at least one and a-half hours."

Adopted by a majority of 10 to 3 (Belgium, Italy, and the Netherlands). Abstained: Austria, for motives given in the Report, as well as Hungary and the Netherlands.

"3. That exceptions be admitted for certain industries."

M. Boccardo, for the Italian Delegation, declares that among the exceptions in question, the Italian Delegates have particularly had in mind the industry of silk-spinning. This declaration applies also to the other deliberations of the Conference.

"4. That restrictions be provided for occupations of a particularly unhealthy or dangerous nature."

Unanimously adopted.

"5. That protection be assured to youths of 16 to 18 years, in respect to:

"(*a.*) A maximum day's work;

"(*b.*) Night work;

"(*c.*) Sunday work;

"(*d.*) Employment in occupations of a particularly unhealthy or dangerous nature."

On the motion of the *President,* the Conference proceeds to record its votes on the preamble and the four subdivisions.

For Belgium, *M. Jacobs* declares:—

"The Belgian Law fixes at 16 the extreme limit of the legal protection granted to young male workmen. This Law is very recent. The Conference will understand that the Belgian Delegates are unable to depart from it."

The preamble and the subdivision (*a*) are adopted by 12 votes to 3 (Belgium, Italy, and the Netherlands).

On the subject of subdivision (*a*), Germany records her vote in the affirmative, but with the reservation that the restriction of the working day be only for reasons of health, and that this restriction do not go beyond that provided for the day of women and girls over 21 years of age.

Subdivision (*b*) is adopted by the majority of 10 to 3 (Belgium, Italy, and the Netherlands). Austria and Hungary abstained from voting, the latter referring back to the grounds explained before the Commission.

Subdivision (*c*) is adopted by 12 votes to 3 (Belgium, Luxembourg, and the Netherlands). This last State explains its negative vote by declaring that Sunday labour in Holland is not forbidden to males above the age of 16 by the Labour Laws, though this does not prevent the Law on Sunday rest prohibiting in general, with some exceptions, public work during the day.

Subdivision (*d*) is adopted by 14 votes to that of the Netherlands.

M. Jules Simon declares that France supports the proposal, with the reservation of the observations which she will have to make when the question of mines comes under discussion, that there may be no contradiction between the two votes.

The Resolution concerning female labour in factories is submitted to the discussion of the Conference.

The Portuguese Delegation renew the reservations and the declarations made by them before the Commission on the subject of women over 21.

M. Jules Simon remarks that the proposed wording joins two questions where the voting has been different before the Commissions, and may be so in plenary sitting: as far as girls and women under 21 are concerned, and as regards adult females, France, for its part, votes for the first and against the second point. He calls for a division.

On an observation of *M. Jacobs,* affirming that the vote relative to Sunday does double duty with the votes already recorded on the proposals of the Second Commission, the Conference decides that the question of Sunday, being solved, shall be taken out of discussion and not voted on, and approves of the division called for by M. Jules Simon.

A vote is taken on the various paragraphs:—

"It is desirable—

"1. (*a.*)—That girls and women from 16 to 21 years old should not work at night."

Unanimously adopted. Spain abstains from voting.

"1. (*b.*)—That girls and women over 21 do not work by night."

Adopted by a majority of 8 to 5 (Belgium, Spain, France, Italy, and Portugal). Abstained: Denmark and Sweden.

The explanation given by *M. Jacobs* on the subject of his negative vote is as follows:—

"The proposed Resolution limits the duration of female labour, whatever be their age. The Belgian Law of the 13th December, 1889, rests on the principle of liberty of labour for persons of age, of whatever sex. The Belgian Delegates would be in

opposition to the laws of their country if they made no difference between women over and under age: their vote is in the negative."

Spain also voted against the proposal because her Delegates believe it right to assure a certain protection to girls and women over 16 years of age, as far as night and Sunday work is concerned, but are opposed to attacking the free action of those who are in possession of the full legal control of themselves.

"2. That their actual labour do not exceed eleven hours a-day, and that it be interrupted by repose of a total duration of an hour and a-half at least."

Adopted by 9 to 2 (Belgium and Italy). Abstained: Denmark, Spain, Hungary, and Portugal.

France approves, with the reservation of the distinction made between minors and adults.

Great Britain, while voting in the affirmative, regrets that the Resolution is not drawn up in a sufficiently protective form.

The Netherlands refer back to their reservations before the Commission, as regards the total duration of the time for rest.

Sweden similarly approves, but with a reservation relative to women over 12. Norway approves with the same reservation.

"3. That exceptions be made for certain industries."

Adopted by a majority of 13 votes against Switzerland; Portugal abstaining.

"4. That restrictions be provided for occupations of a particularly unhealthy or dangerous nature;

"5. That women after child-birth be only admitted to work four weeks after delivery."

These two last paragraphs unanimously adopted.

The President announces that the Report of the Commission on Labour in Mines is not yet ready, and asks if the Conference would not wish to proceed immediately to examine the proposals of the Fourth Commission.

M. Tolain observes that it would be better to leave this question till after hearing all the other Reports.

Denmark agrees with this.

At the request of *M. Santamaria,* who repeats the reservations made before the Commission, *the President* declares that the Reports of the Commissions will form the annexes of the Protocols of the sittings. He then proposes and carries the fixing of a fresh plenary sitting for the next day, at 11 A.M.

The meeting rises at 5 P.M.

Inclosure 2 in No. 24.

Protocole No. 6.—Séance du 28 Mars, 1890.

Étaient présents:

Allemagne—

Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.
M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque du Breslau.
M. Reichardt, Directeur au Département des Affaires Étrangères.
M. Lohmann, Conseiller Inteme Supérieur de Régence.
M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
M. le Baron de Heyl, Conseiller Intime de Commerce à Worms.
M. Koechlin, Industriel et Conseiller d'État.

Autriche-Hongrie—

M. le Baron Béla Weigelsperg, Conseiller Impérial et Royal au Ministère du Commerce.
M. le Dr. F. Migerka, Conseiller Impérial et Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.

M. le Baron August de Plappart, Conseiller Impérial et Royal au Ministère de l'Intérieur.
M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial et Royal de l'Agriculture.
M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.
M. le Dr. Schulz, Secrétaire de la Délégation d'Autriche-Hongrie.

Belgique—
M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. Victor Jacobs, Ministre d'État, Membre de la Chambre des Représentants.
M. le Baron t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.
M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.

Danemark—
M. Tietgen, C. F., Conseiller d'État Intime.
M. Topsöe, H., Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
M. Bramsen, L., Directeur de Compagnies d'Assurance.

Espagne—
M. Manuel Fernandez de Castro, Sénateur, Inspecteur-Général des Mines.
M. Santamaria de Paredes, Député et Directeur-Général de l'Instruction Publique.

France—
M. Jules Simon, Sénateur.
M. Tolain, Sénateur.
M. Burdeau, Député.
M. Linder, Vice-Président du Conseil Supérieur des Mines.
M. Victor Delahaye, Ouvrier Mécanicien.
M. Jacquot, Consul-Général de France à Leipzig.
M. Laporte, Inspecteur Divisionnaire du Travail des Enfants dans les Manufactures.
M. Pellé, Ingénieur des Mines.
M. A. Lebon, Secrétaire de la Délégation Française.

Grande-Bretagne—
The Right Hon. Sir J. Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq,, Propriétaire de Mines.
Mr. T. Burt, Membre du Parlement, Secrétaire de l'Association des Mineurs.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. F. H. Whymper, Inspecteur Supérieur des Fabriques.
Mr. J. Burnett, Chef de Division au Département du Travail.

Italie—
M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.*
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

* MM. Stringher, Majorana Calatabiano, et Mancini étaient présents comme Secrétaires de la Délégation Italienne.

Luxembourg—
M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—
Le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. Struve, Inspecteur du Travail.

Portugal—
M. Ernesto Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce.
M. J. P. Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

Suède et Norvège—
M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.
M. le Comte de Wrangel, Secrétaire de la Délégation de Suède et Norvège.

Suisse—
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral de l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

La séance est ouverte à 11 heures, sous la présidence de son Excellence M. le Baron de Berlepsch.

Le Président invite la Conférence à procéder à une discussion d'ensemble sur les Résolutions qui lui sont soumises par la Commission des Mines.

M. Hauchecorne, Délégué de l'Allemagne, donne quelques explications sur les documents émanant de cette Commission, dont il a présidé les travaux. Un Rapport sommaire avait été déjà distribué, quand la Belgique a demandé qu'une modification fût introduite dans la rédaction de la proposition (*a*) de la troisième question ; il a donc fallu que la Commission tînt une réunion supplémentaire pour discuter sur la formule nouvelle qui lui était soumise.

Elle a approuvé l'addition après "institutions de prévoyance" des mots "et de secours organisées conformément aux mœurs de chaque pays et . . . . ." Elle a profité de cette occasion pour rectifier la proposition (*e*) de la même question, en supprimant les mots "réunis en Associations," ainsi que "et réciproquement." (Voir le Rapport Supplémentaire de la Commission des Mines.) C'est sur le texte ainsi modifié que la discussion peut s'engager. De plus, la Commission a jugé utile de rédiger un compte-rendu analytique de ses délibérations, afin de faire mieux connaître les raisons qui l'ont déterminée dans ses Résolutions.

Au nom de la Suède, *M. de Tham* prend la parole :—

"Comme je n'ai pas eu l'occasion d'assister aux délibérations de la Première Commission chargée de l'examen de la question du travail des mines, je tiens à déclarer, dans la séance plénière, que la législation Suédoise concorde dans les parties principales avec les Résolutions votées par la Première Commission, et que, par conséquent, je puis, pour ma part, adhérer à celles-ci."

Au nom du Portugal, *M. Oliveira Martins* fait la déclaration suivante :—

"La Délégation du Portugal, quoique n'ayant pas été représentée à la Commission des Mines, adopte néanmoins les conclusions de la dite Commission, sous réserve des droits des ouvriers des deux sexes, qui, ayant atteint avec la majorité la plénitude de leurs droits civils, ne peuvent pas être soumis à des lois protectrices."

La discussion étant épuisée, *le Président* annonce que la Conférence va passer au vote.

M. Tietgen annonce que la Délégation du Danemark s'abstiendra, d'une manière générale, dans toutes les questions relatives aux mines, l'industrie minière n'existant pas dans son pays.

Le paragraphe (*a*) de la première question est mis aux voix :

Il est désirable—

"(*a.*) Que la limite inférieure de l'âge auquel les enfants peuvent être admis aux travaux souterrains dans les mines soit progressivement élevée, à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus."

Adopté par 13 voix. Se sont abstenus : le Danemark et l'Espagne.

M. le Baron Greindl fait la déclaration suivante, au nom de la Belgique :—

"Les Délégués Belges ont pu s'associer au vœu de l'interdiction des travaux souterrains des mines aux enfants de moins de 14 ans, parce que ce vœu est formulé de manière à écarter l'idée d'un changement prématuré ou irréfléchi nuisible à l'industrie charbonnière.

"Une Loi toute récente a fixé, en Belgique, à 12 ans l'âge auquel il est permis aux enfants de descendre dans les mines. C'est le maximum de ce que l'état actuel de notre industrie comporte. Nous ne pouvons apprendre que par la pratique de cette loi, s'il nous sera possible ou non d'accomplir plus tard un nouveau progrès. De tous les pays qui possèdent des gisements houillers, la Belgique est celui où le travail est le plus difficile et où la production par tête d'ouvrier est la moindre. Dans l'intérêt même des ouvriers, il importe donc de ne toucher aux conditions économiques de l'exploitation qu'avec une extrême prudence. Avant que nous ne puissions songer à reculer l'âge de l'entrée des enfants dans les mines, il faut que l'expérience nous ait démontré que cette mesure n'apporterait pas, dans le recrutement des mineurs et dans l'exploitation des mines Belges, une perturbation dont les travailleurs seraient les premières victimes."

M. Linder, Délégué de la France, prend la parole en ces termes :—

"Les Délégués de la France votent oui avec des réserves :

"Tout en adhérant en principe au vœu qui vise la limite de 14 ans, ils expriment des réserves en raison des besoins du recrutement des apprentis-mineurs, et pour mettre hors de cause le cas des enfants qui se trouveraient avoir atteint, avant 14 ans, un développement intellectuel et physique suffisant, constaté par des certificats légaux. Ils considèrent que la formule adoptée donne satisfaction à cette réserve.

"D'autre part, ils font remarquer qu'en fixant à 14 ans la limite désirable de l'admission des jeunes garçons dans les travaux souterrains des mines, on écarte implicitement toute interprétation contraire du paragraphe (*d*) du 5° de la Résolution concernant le travail des jeunes ouvriers dans les établissements industriels. Les Délégués Français complètent dans ce sens la réserve qu'ils ont formulée."

M. Boccardo, Délégué de l'Italie, entend réserver son vote jusqu'après l'adoption du second alinéa.

Le Président met aux voix le second alinéa de ce même paragraphe :—

"Toutefois, pour les pays méridionaux, cette limite serait de 12 ans."

Adopté par 10 voix contre 1 (Grande-Bretagne) ; il y a 4 abstentions (Belgique, Danemark, France, Suisse).

Le Président demande si la Délégation Italienne est disposée maintenant à donner son vote à la première partie de l'Article.

M. Boccardo répond affirmativement.

M. Burdeau motive ainsi le vote de la Délégation Française :—

"La France s'abstient, non qu'elle ait aucune objection à élever à cet égard, mais parce que, n'ayant pas d'intérêt directe dans la question, elle se borne à donner acte du vœu exprimé par les pays méridionaux."

Le paragraphe (6) ainsi rédigé :—

"Que le travail sous terre soit défendu aux personnes du sexe féminin,"

Est adopté à l'unanimité, avec une abstention (Danemark).

La Belgique, en émettant son vote, se réfère aux raisons contenues dans le Rapport de la Commission.

M. Santamaria, Délégué de l'Espagne, ayant voulu présenter une observation personnelle, *le Président* lui fait observer qu'il ne peut plus prendre la parole qu'au nom de la Délégation tout entière, et l'invite à déposer ses réserves au Secrétariat, qui se chargera de les annexer au Protocole de la séance.

Le Président met aux voix le vœu en réponse à la deuxième question, lequel est ainsi formulée :—

"Que dans le cas où l'art des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mine, la durée du travail soit restreinte.

"Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers, ou autrement, selon les principes et la pratique de chaque nation."

Les deux parties de ce vœu sont adoptés à l'unanimité, avec l'abstention du Danemark.

Sont mis successivement aux voix les cinq paragraphes du vœu relatif à la troisième question :—

"(*a.*) Que la sécurité de l'ouvrier et la salubrité des travaux soient assurées par tous les moyens dont dispose la science et placés sous la surveillance de l'État ;

"(*b.*) Que les ingénieurs chargés de diriger l'exploitation soient exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées ;

"(*c.*) Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation soient les plus directes possible pour avoir un caractère de confiance et de respect mutuels ;

"(*d.*) Que les institutions de prévoyance et de secours, organisées conformément aux mœurs de chaque pays et destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées ;

"(*e.*) Que, dans le but d'assurer la continuité de la production du charbon, on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs s'engagent volontairement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage."

Tous sont adoptés à l'unanimité ; le Danemark s'abstient.

Le Président ouvre la discussion sur les vœux présentés par la Quatrième Commission et concernant la mise à exécution des propositions de la Conférence.

M. Jules Simon demande la parole et prononce un discours, dont voici l'analyse :—

"Je crois utile d'expliquer pourquoi la France s'est abstenue dans toutes les questions comprises dans la VI^e^ partie du programme général. M. Ellena a bien voulu constater dans son Rapport que cette abstention n'avait pas empêché les Délégués Français 'de s'associer à leurs collègues dans les vœux tendant à améliorer la situation de la population ouvrière.' Nous l'en remercions. Notre abstention sur le point spécial qui nous occupe en ce moment a en effet pour cause unique les instructions que nous avons reçues de notre Gouvernement, et ces instructions sont motivées par le désir d'établir une distinction précise entre l'expression des opinions formulées par un jury compétent, comme l'est la Conférence, et les négociations que la diplomatie pourra ouvrir par la suite.

"Quant au fond même des questions posées a la Conférence, il y a longtemps que la France s'est préoccupée de les résoudre. Nos Lois sur le travail des enfants et des femmes contiennent les dispositions suivantes : l'âge d'admission des enfants est fixé à 12 ans, et très exceptionnellement à 10 ans ; la durée de la journée de travail ne peut dépasser six heures pour les enfants de 10 à 12 ans, non plus que pour ceux de 12 à 15 ans qui n'ont pas obtenu le certificat d'études primaires ; le travail de nuit et du Dimanche est interdit jusqu'à 16 ans pour les garçons, jusqu'à 21 ans pour les filles et les femmes. Un projet actuellement en élaboration dans les Chambres, va plus loin encore dans la voie de la protection : l'âge d'admission des enfants est élevé à 13 ans sans aucune exception ; la journée de travail est limitée à dix heures jusqu'à 18 ans pour les garçons, jusqu'à 21 pour les filles ; le travail du Dimanche est interdit jusqu'à 16 ans pour les garçons, et jusqu'à 21 ans pour les filles.

"Un autre vœu exprimé par la Conférence sans déjà reçu satisfaction en France : nous possédons un corps d'Inspecteurs qui surveillent l'exécutiom des prescriptions législatives sur le travail des enfants et des femmes, et qui assurent la protection de l'enfant jusque dans les ateliers, alors même que l'atelier ne possède qu'un unique ouvrier. Ce corps se compose aujourd'hui de vingt et un Inspecteurs Divisionnaires et de soixante-dix Inspecteurs Départementaux ; tout récemment, le Département de la Seine a créé à ses frais treize emplois d'Inspectrices.

"Il résulte de ce court exposé de la législation Française que la France ne protège jusqu'ici que les enfants, les jeunes ouvriers et les femmes mineures de 21 ans. Sans doute, une Loi de 1848 fixe à un maximum de douze heures la journée de travail des adultes, et les femmes majeures y sont naturellement soumises ; mais on ne peut dire que la Loi soit rigoureusement appliquée. Sans doute encore, le projet actuellement en discussion limite le travail effectif des femmes majeures à onze heures ; mais il n'est pas absolument certain que cette dernière disposition soit adoptée, et, si l'on peut voir dans ce projet un indice des tendances actuelles de l'opinion, on ne peut cependant pas le considérer comme acquis dans ceux de ces Articles qui ne concernent pas les enfants et les filles mineures.

"La France, en effet, n'a jamais abordé qu'avec une extrême réserve la réglementation du travail des adultes. Cette réserve s'explique dans l'état de nos mœurs et de nos institutions politiques. Nous avons le culte de la liberté individuelle et plutôt que de réglementer l'usage qu'en font nos citoyens, nous préférons leur donner

tous les instruments nécessaires pour se servir utilement de leurs droits. C'est ainsi que nous avons fait des efforts considérables pour répandre l'instruction parmi les adultes comme parmi les enfants, que nous avons puissamment développé les institutions de crédit et de prévoyance, et que nous avons assuré aux ouvriers, par la Loi sur les Syndicats Professionnels, la faculté d'associer et de combiner leur efforts, au lieu de les laisser isolés les uns des autres, et par conséquent dans un état d'infériorité et de faiblesse.

"Tel est le caractère spécial de notre législation; elle est dominée par cette pensée que le progrès s'accomplit par la liberté. La même pensée a dicté nos votes au sein de la Conférence: nous nous sommes montrés très ardents pour la protection des mineurs; nous nous sommes abstenus, quand il s'agissait des majeurs.

"Vous me pardonnerez de terminer ces observations par un mot personnel, qu'autorise peut-être un passé consacré tout entier à la défense de la cause qui nous réunit ici. Nous poursuivons un but moral aussi bien qu'un but matériel; ce n'est pas seulement dans l'intérêt physique de la race humaine que nous nous efforçons d'arracher l'enfant, l'adolescent, la femme à un labeur excessif; c'est aussi pour que la femme soit rendue à son foyer, l'enfant à sa mère, auprès de laquelle seule il peut trouver les leçons d'amour et de respect qui font le citoyen; nous avons voulu faire une halte dans la voie de démoralisation, où le relâchement des liens de famille conduit l'esprit humain."

Mgr. Kopp prononce ensuite ces paroles:

"Je me permets de m'associer, en quelques mots, au discours de l'honorable M. Jules Simon. Mes fonctions m'amènent à me préoccuper avant tout des intérêts religieux, moraux, et spirituels; mais elles ne m'empêchent pas de me soucier aussi des progrès de notre économie nationale. La question sociale touche, en effet, de très près à celles de la religion et de la morale. C'est pourquoi je suis profondément reconnaissant à Sa Majesté l'Empereur, mon auguste Souverain, de m'avoir envoyé dans cette illustre assemblée.

"Nous nous sommes efforcés, comme viennent de le dire M. Jules Simon, d'améliorer la situation de la famille. Celle-ci est à la fois la base de la société, et le centre d'éducation où se forment toutes les vertus sociales et religieuses. Si cette cellule primitive, pour emprunter à M. le Délégué de la Belgique une des expressions de son Rapport, est atteinte, l'organisme entier souffrira.

"Nous avons cherché à reconstituer la vie de famille en rétablissant le repos du Dimanche, afin de permettre à l'ouvrier de rentrer à son foyer domestique, à la femme d'y reprendre sa place, en même temps que son rôle d'éducatrice de l'enfance. Nous avons aussi voulu protéger la jeune ouvrière contre la dévastation physique et morale. Tels sont les grands problèmes qui nous ont occupés.

"Mais ces problèmes sont si graves, si délicats, si compliqués, qu'il faut en poursuivre la solution, non pas seulement par des considérations théoriques, mais aussi par une étude attentive de la vie pratique. Le chemin sera long à parcourir avant d'atteindre le but tant désiré; il faut s'y avancer avec énergie et courage, mais aussi avec prévoyance et circonspection.

"Nous soumettrons nos travaux à l'appréciation de nos Gouvernements respectifs, qui auront à pourvoir à la réalisation de nos vœux.

"Mais quelles que soient les suites, quel que soit le succès de nos travaux, l'unanimité des sentiments qui nous ont inspirés, l'esprit de conciliation qui a régné parmi nous, l'application soutenue qui a été déployée, ont donné à nos réunions un caractère propre à faire naître partout la confiance et à créer entre nous un bien qui, je l'espère, sera durable."

M. Jacobs s'exprime en ces termes:—

"Je n'aurai pas la témérité d'ajouter quoique ce soit aux nobles paroles de Mgr. Kopp et de M. Jules Simon; je veux laisser la Conférence sous l'impression profonde qu'elles ont produite. Mais on pourrait induire des motifs d'abstention de la France que les pays qui votent les Résolutions proposées consentent à s'engager sur le terrain diplomatique. Telle n'est pas la pensée de la Belgique. La question posée pouvait faire naître la pensée qui a inspiré les instructions données à MM. les Délégués Français, mais la réponse faite ne peut être ainsi interprétée. Les Délégués de Belgique et de France traduisent donc par des votes quelque peu différents une pensée commune."

M. de Tham, Délégué de la Suède, fait la déclaration suivante:—

"J'ai été empêché en grande partie par les travaux de la Troisième Commission d'assister aux délibérations de celle qui s'occupait de la mise à exécution des dispositions adoptées par la Conférence, et, ainsi, je n'ai pas eu l'occasion d'émettre

mon avis sur la question. C'est pourquoi j'ai demandé la parole pour adhérer aux Résolutions proposées par la Commission, avec cette réserve pourtant, que la surveillance sur l'exécution des mesures prises pour réaliser les vœux de la Conférence soit attribuée exclusivement au Gouvernement de chaque État, et qu'aucune immixtion d'un pouvoir étranger ne soit admise."

M. de Castro ajoute que l'Espagne ne croit pas nécessaire de s'étendre pour expliquer son vote sur les questions qui se rapportent à la IV^{e} Section du programme général, ayant, pour émettre un vote affirmatif, les mêmes motifs que ceux que M. Jacobs vient d'énoncer au nom de la Belgique.

M. Christie s'exprime dans ces termes :—

"La Norvège n'ayant pas été représentée dans la Quatrième Commission, je demande qu'il soit consigné au Protocole que je crois pouvoir adhérer pour mon pays aux Résolutions adoptées par la Commission. Un Projet de Loi, présenté par le Gouvernement Norvégien au Storthing de cette année, propose l'institution d'Inspecteurs du Travail, comme ceux dont il est fait mention dans la Résolution de la Quatrième Commission."

La Conférence procède alors à un vote distinct sur le préambule et sur chacun des paragraphes de la première Résolution, qui sont successivement adoptés, ainsi que sur la deuxième Résolution ; le tout est adopté à l'unanimité des voix, avec l'abstention de la France, dans la teneur suivante :—

"1. Pour le cas où les Gouvernements donneraient suite aux travaux de la Conférence, les dispositions suivantes se recommandent :—

"(*a.*) L'exécution des mesures prises dans chaque État sera surveillée par un nombre suffisant de fonctionnaires spécialement qualifiés, nommés par le Gouvernement du pays et indépendants des patrons, aussi bien que des ouvriers.

"(*b.*) Les Rapports Annuels de ces fonctionnaires, publiés par les Gouvernements des divers pays, seront communiqués par chacun d'eux aux autres Gouvernements.

"(*c.*) Chacun de ces États procédera périodiquement et, autant que possible dans une forme semblable, à des relevés statistiques, quant aux questions visées dans les délibérations de la Conférence.

"(*d.*) Les États participants échangeront entre eux ces relevés statistiques, ainsi que le texte des prescriptions émises par voie législative ou administrative et se rapportant aux questions visées dans les délibérations de la Conférence.

"2. Il est désirable que les délibérations des États participants se renouvellent, afin de se communiquer réciproquement les observations que les suites données aux délibérations de la présente Conférence auront suggérées, et afin d'examiner l'opportunité de les modifier ou de les compléter."

M. Reichardt demande à présenter à la Conférence quelques explications complémentaires : il annonce, d'abord, que les épreuves correctes et définitives des Protocoles Nos. 5 et 6 ne seront sans doute pas prêtes en temps utile pour que les Délégués puissent y apposer leur signature. Sur la proposition qu'il en fait, l'assemblée approuve l'idée de laisser à ceux des Délégués qui résident à Berlin les pouvoirs nécessaires pour signer valablement ces documents.

En outre, il rappelle que, conformément à l'usage adopté en pareille circonstance, un Protocole Final, contenant l'ensemble des Résolutions votées par la Conférence, sera préparé et présenté à la signature des Délégués.

Le Président, après avoir invité un membre de chaque Délégation à venir sans retard s'entendre avec lui sur les termes à adopter pour la rédaction de cet Acte final, déclare que la séance est levée, et que la dernière réunion plénière de la Conférence aura lieu le 29 Mars, à 2 heures.

Annexe au Protocole No. 6.

Déclaration faite hors Séance par MM. les Délegués du Portugal.

Excellence,

Avant la conclusion des travaux de la Conférence de Berlin, dont l'initiative et les résultats resteront dans l'histoire de ce siècle comme une de ses plus belles pages, nous, les Délégués du Portugal, nous tenons, M. le Ministre, Président de la Conférence, à lui communiquer des informations qui, peut-être, seront considérées comme intéressantes.

Le programme des travaux de la Conférence ne comprenait pas de section ayant égard aux rapports entre patrons et ouvriers dans les établissements industriels, où, l'État étant le patron, des Règlements protecteurs peuvent être édictés sans atteinte à la liberté industrielle et aux droits individuels. C'est pour cela que nous nous sommes abstenus de présenter, devant les Commissions de la Conférence, la Loi Portugaise du 22 Mai, 1888, et d'en expliquer le texte.

Il nous semble, cependant, que les établissements industriels appartenant à l'État, et dont le nombre et l'importance s'accroît partout et chaque jour, devraient être des modèles-types, par l'action et l'exemple desquels s'améliorerait graduellement le sort des ouvriers de l'industrie particulière.

Nous avons l'honneur de vous adresser, M. le Président, deux exemplaires de la Loi du 22 Mai, 1888, ainsi que des Règlements promulgués pour son exécution. Cette Loi a créé en Portugal la régie de la fabrication des tabacs, abolissant le régime antérieur de la liberté de cette industrie.

Les ouvriers des tabacs, de 5,000 à 6,000, la moitié à peu près étant du sexe féminin, formaient peut-être parmi les travailleurs Portugais la classe la plus misérable. Leur nombre dépassait d'un quart, peut-être d'un tiers, les besoins de la consommation, et de là, sous l'action de la concurrence, venaient des chômages fréquents et des réductions successives d'un salaire payé à la tâche.

La Loi Constitutionnelle de la Régie des Tabacs en Portugal a complètement changé cet état de choses, et nous pouvons vous assurer, M. le Président, qu'après deux ans presque révolus les résultats de son fonctionnement en ont été satisfaisants. L'apaisement s'est fait parmi ces ouvriers, qui auparavant comptaient parmi les plus inquiets.

Les dispositions principales de l'organisation créée par la Loi du 22 Mai, 1888, sont :—

1. La garantie d'un travail permanent de huit heures par jour à tous les ouvriers, ainsi que celle des prix de main-d'œuvre des tarifs existants à l'époque ;

2. L'institution d'un service de secours comprenant l'assistance en cas de maladie, les subventions en cas d'impossibilité de travailler, l'établissement de crèches et d'écoles dans les usines, &c., au moyen de cotisations payées par les ouvriers et de subsides par l'État ;

3. La création d'un fonds de retraite pour les ouvriers invalides, leur garantissant le minimum of 1,500 reis (8 fr. 30 c.) par semaine, au moyen d'une dotation annuelle de 20 centos de reis, soit à peu près 110,000 fr. ;

4. La participation des ouvriers aux bénéfices industriels.

Tel est l'ensemble des dispositions principales du système créé par la Loi du 22 Mai, 1888, en ce qui regarde la situation des ouvriers.

En vous priant, M. le Président, de faire part à la Conférence de cette communication, nous espérons qu'elle aura, par son importance, l'honneur d'être enregistrée à la suite du procès-verbal officiel.

Les Délégués du Portugal,
(Signé) J. P. OLIVEIRA MARTINS.
E. MADEIRA PINTO.

Berlin, à la Salle de la Conférence Ouvrière, le 28 Mars, 1890.

Déclaration personnelle de M. Santamaria, Délégué d'Espagne, concernant l'Interdiction du Travail des Femmes dans les Mines.

Je réserve mon opinion personnelle sur cette question, parce que je crois qu'on aurait dû dire : "Qu'il est désirable que les personnes du sexe féminin ne travaillent pas sous terre."

(Translation.)

Protocol No. 6.—Sitting of 28th March, 1890.

Present:

Germany—
- His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
- Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
- Mgr. Dr. Kopp, Prince-Bishop of Breslau.
- Herr Reichardt, Director in the Foreign Office.
- Herr Lohmann, Superior Privy Councillor of Administration.
- Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
- Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
- Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
- Herr Koechlin, Manufacturer, and Councillor of State.

Austria-Hungary—
- Baron Béla Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
- Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
- Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
- Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
- Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
- Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
- Herr Joseph Szterényi, Hungarian Factory Inspector.
- Dr. Schulz, Secretary to the Austro-Hungarian Delegates.

Belgium—
- Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
- M. Victor Jacobs, Minister of State, Member of the Chamber of Representatives.
- Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.
- M. Emil Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.

Denmark—
- M. C. F. Tietgen, Privy Councillor of State.
- M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
- M. L. Bramsen, Director of Assurance Companies.

Spain—
- M. Manuel Fernandez de Castro, Senator, Inspector-General of Mines.
- M. Vicente Santamaria de Paredes, Deputy, and Director-General of Public Instruction.

France—
- M. Jules Simon, Senator.
- M. Tolain, Senator.
- M. Burdeau, Deputy.
- M. Linder, Vice-President of the Superior Council of Mines.
- M. Victor Delahaye, Machinist.
- M. Jacquot, French Consul-General at Leipzig.
- M. Laporte, Divisional Inspector of Child Labour in Factories.
- M. Pellé, Mining Engineer.
- M. A. Lebon, Secretary to the French Delegates.

Great Britain—
The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Mine-owner.
Mr. T. Burt, M.P., Secretary of the Miners' Association.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. F. H. Whymper, Inspector of Factories.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—
M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.*
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—
Dr. Alexis Brasseur, Deputy, and Mine-owner.

Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
M. Ernest Madeira Pinto, Councillor and Director-General in the Department of Commerce.
M. J. P. Oliveira Martins, Administrator of the Government Tobacco Monopoly, formerly Deputy.

Sweden and Norway—
M. W. de Tham, Member of the First Chamber of the Swedish Diet.
M. E. Christie, Secretary-General in the Ministry of the Interior.
Count Wrangel, Secretary of the Swedish and Norwegian Delegates.

Switzerland—
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

THE sitting opens at 11 o'clock, under the presidency of his Excellency Baron von Berlepsch.

The President invites the Conference to proceed to a general discussion of the Resolutions submitted to them by the Commission on Mines.

M. Hauchecorne, the German Delegate, gives some explanations of the documents emanating from the Commission over the labours of which he presided. A summary Report had already been distributed when Belgium asked that a modification should be made in the wording of proposition (*a*) of the third question. It was, therefore, necessary for the Commission to hold a supplementary meeting to discuss the new formula which had been submitted to it.

It approved the addition after "measures of precaution" of the words "and of succour organized in conformity with the customs of each country, and . . . . ." It took advantage of the occasion to rectify proposition (*e*) of the same question by omitting the words "united in Associations," as well as "and reciprocally." (See the Supplementary Report of the Commission on Mines.) It is upon the text thus modified that that discussion will take place. Moreover, the Commission has

* MM. Stringher, Majorana Calatabiano, and Mancini were present as Secretaries to the Italian Delegates.

considered it useful to draw up an analytical Report of its deliberations in order to make better known the reasons which determined the adoption of its Resolutions.

In the name of Sweden, *M. de Tham* says :—

"As I have not had the opportunity of assisting in the deliberations of the First Commission charged with the examination of the question of labour in mines, I wish to declare, in the plenary sitting, that Swedish legislation agrees in its chief points with the Resolutions voted by the First Commission, and that, consequently, I can for my part adhere to the latter."

In the name of Portugal, *M. Oliveira Martins* makes the following declaration :—

"The Portuguese Delegation, although not having been represented on the Commission on Mines, nevertheless adopts the conclusions of the said Commission, subject to the reservation of the rights of workers of both sexes, who, having attained with their majority their full civil rights, cannot be subjected to protecting laws."

The discussion being terminated, *the President* announces that the Conference will proceed to vote.

M. Tietgen announces that the Danish Delegation will abstain, as a general rule, from the discussion of all questions relating to mines, as mining industry does not exist in his country.

Paragraph (*a*) of the first question is put to the vote.

It is desirable—

"(*a.*) That the lower limit of age at which children may be admitted to underground work in mines shall be progressively raised according as experience shall have proved its possibility, to 14 years completed."

Adopted by 13 votes. Denmark and Spain abstained.

Baron Griendl makes the following declaration in the name of Belgium :—

"The Belgian Delegates have been able to join in the Resolution for the prohibition of underground work in mines in the case of children under 14 years of age, because this Resolution is formulated in a manner to banish any idea of an immature or not well considered change injurious to the coal industry.

"A very recent Law has fixed in Belgium at 12 years the age at which children are allowed to go into mines. That is the maximum of which the actual state of our industry allows. We can only learn by the experience of that law if it will be possible or not for us later on to achieve further progress. Of all countries which possess coal beds, Belgium is the one in which the work is the most difficult, and where the production of each workman is the least. In the interest of the workman, it is important therefore not to interfere with the economic conditions of work except with extreme prudence. Before we can dream of putting back the age for the descent of children into mines, it is necessary that experience shall have shown us that this measure would not produce in the mining labour market and the working of Belgian mines a disturbance of which the workers would be the first victims."

M. Linder, Delegate of France, makes the following remarks :—

"The Delegates of France vote in the affirmative with reservations :

"While adhering in principle to the Resolution which has in view the limit of 14 years, they express reservations by reason of the need of finding of mining apprentices, and to exclude the case of children who may be found to have attained before 14 years of age a sufficient intellectual and physical development, determined by legal certificates. They consider that the formula adopted satisfies this reservation.

"On the other hand, they wish to point out that in fixing at 14 years the limit desirable for the admission of youths to labour in underground mines, any contrary interpretation of paragraph (*d*) of the 5th Resolution respecting young workmen in industrial establishments is implicitly put aside. The French Delegates complete in this sense the reservations they have formulated."

M. Boccardo, Italian Delegate, intends to reserve his vote until after the adoption of the 2nd clause.

The President puts to the vote the 2nd clause of the same paragraph :—

"Nevertheless, for southern countries that limit may be 12 years."

Adopted by 10 votes against 1 (Great Britain). There were 4 abstentions (Belgium, Denmark, France, and Switzerland).

The President asks if the Italian Delegation is now disposed to give its vote on the first part of the Article.

M. Boccardo answers in the affirmative.

M. Burdeau thus explains the vote of the French Delegation :—

"France abstains; not that she has any objection to raise in the matter, but

because having no direct interest in the question, she confines herself to taking note of the wish expressed by the southern countries."

Paragraph 6 thus revised :—

"That underground labour be forbidden to persons of the female sex,"

Is adopted unanimously, with one abstention (Denmark).

Belgium, in giving her vote, refers to the reasons contained in the Report of the Commission.

M. Santamaria, Delegate of Spain, having expressed a wish to make a personal observation, the President points out to him that he can no longer speak except in the name of the whole Delegation, and invites him to lay his reservations on the table, they will be annexed to the Protocol of the sitting.

The President puts to the vote the Resolution in answer to the second question which is thus formulated :—

"That, in the case where the system in force of working in the mines shall not suffice to remove all the dangers of unhealthiness arising from the conditions natural or artificial of the working of certain mines, or of certain work places or mines, the duration of labour should be restricted.

"It is left to the care of each country to secure this result by legislative or administrative action, or by agreement between the employers and the workmen, or otherwise, according to the principles and practice of each nation."

The two parts of this Resolution are unanimously adopted, with the abstention of Denmark.

The five paragraphs of the Resolution relative to the third question are put successively to the vote :—

"(*a.*) That the safety of the workmen and the healthiness of the works shall be assured by all the means which science has at its disposal, and shall be placed under the superintendence of the State;

"(*b.*) That the engineers charged with the direction of the works shall be exclusively men of duly ascertained experience and competent technical knowledge;

"(*c.*) That the relations between the mining workmen and the engineers of the works shall be the most direct possible, in order that they may bear the character of confidence and mutual respect;

"(*d.*) That measures of precaution and succour, organized in accordance with the customs of each country, and destined to secure the mining labourer and his family against the effects of illness, accidents, and premature decay, of old age and death, measures which have for their object to ameliorate the lot of the miner and to attach him to his profession, shall be continually developed;

"(*e.*) That, with the object of assuring the continuance of the output of coal, steps be taken to prevent strikes. Experience tends to prove that the best preventive means consists in the voluntary union of employers and miners, in every case where their differences could not be solved by a direct understanding, in order to have recourse to a solution by arbitration."

All are unanimously adopted. Denmark abstains.

The President opens the discussion on the motions brought forward by the Fourth Commission, and concerning the carrying out of the propositions of the Conference.

M. Jules Simon rises to speak, and pronounces the following discourse :—

"I consider it well to explain why France has abstained from all questions included in the VIth part of the general programme. M. Ellena has been good enough to state in his Report that this abstention had not prevented the French Delegates 'from uniting with their colleagues in the proposals tending to better the condition of the working classes.' We thank him for it. Our abstention on the special point before us at this moment is due solely to the instructions which we have received from our Government, and these instructions are founded on the desire of establishing a precise distinction between the expression of opinions formed by a competent jury, like the Conference, and the negotiations with which diplomacy may follow them up.

"As to the actual basis of the questions placed before the Conference, France has for a long time been occupied with their solution. Our laws on the labour of children and women contain the following provisions: the age of admission for children is fixed at 12, and very exceptionally at 10. The duration of the working day cannot exceed six hours for children from 10 to 12, any more than for those of 12 to 15 who have failed to obtain certificate of primary studies: night and Sunday work is prohibited up to 16 for boys and 21 for girls and women. A Bill, now under consideration in the Chambers, goes still further towards protecting them: the age for

admitting children is raised to 13 without any exception; the working day is limited to ten hours up to 18 for boys and up to 21 for girls; Sunday labour is prohibited up to 16 for boys and 21 for girls.

"Another proposal of the Conference has been already received in France with satisfaction. We possess a body of Inspectors, who watch over the execution of the measures of the Legislature on the labour of children and women, and who guarantee the protection of the child even in workshops, even when the workshop is only used by a single workman. This body is composed to-day of twenty-one Divisionary Inspectors or of seventy Departmental Inspectors: quite recently the Department of the Seine has created at its own cost thirteen female Inspectorships.

"This short account of French legislation shows that France has hitherto only protected children, young workers, and women under 21. It is true that a Law of 1848 fixes at a maximum of twelve hours the working day of adults, and women of age naturally come under its provisions, but it cannot be said that this Law is rigorously put in force. It is true, too, that the proposal under discussion limits the actual labour of women of age to eleven hours, but it is not absolutely certain that this last provision is adopted, and if in this motion an index of the actual tendencies of opinion is to be seen, it cannot still be considered as reached in those Articles which do not concern children and girls under age.

"France indeed has never without the greatest reserve approached the question of regulating adult labour. This reserve is explained by the state of our habits and political institutions. We are believers in individual liberty, and rather than regulate the use made of it by our citizens, we prefer to give them every necessary facility for making a profitable use of their rights. In this way we have made considerable efforts to spread instruction among adults as well as among children; we have vastly developed institutions for the encouragement of thrift, saving, and providence, and have assured to workmen by the law on professional syndicates the right to unite and combine their efforts, instead of leaving them isolated from one another, and consequently in a state of inferiority and feebleness.

"Such is the special character of our legislation; it is dominated by the belief that progress is brought about by liberty. The same belief has dictated our votes in the Commission; we have shown ourselves very eager for the protection of children under age; we have abstained when the question concerned adults.

"You will pardon me if I conclude these remarks by a personal observation, authorized perhaps by a past entirely consecrated to the defence of the cause which unites us here to-day. The end which we are pursuing is moral quite as much as material; it is not only in the physical interest of the human race that we are striving to snatch from excessive labour children, youths, and women; it is also that the woman may be restored to her hearth and the child to its mother, from whom alone it is possible for him to receive the lessons of love and respect which make the citizen. It has been our wish to cause a check in the march of that demoralization to which the loosening of family ties is bringing the human mind."

Mgr. Kopp then speaks as follows:—

"I venture to associate myself in a few words with the speech of M. Jules Simon. My duties lead me to give my chief attention to religious, moral, and spiritual interests; but they do not prevent my also caring for the progress of our national economy. The social question, in fact, is in very close contact with those of religion and morality. It is for this reason that I am deeply grateful to His Majesty the Emperor, my august Sovereign, for sending me to this illustrious assembly.

"We have endeavoured, as M. Jules Simon has just said, to better the conditions of family life. This is at once the basis of society, the centre of education in which all the social and religious virtues are trained. If this first germ, to borrow an expression from the Report of the Belgian Delegate, be infected, the whole organism will suffer.

"We have sought to reconstitute family life by re-establishing Sunday rest, in order to permit the workman to return to his domestic hearth, the woman to take her place there again, as well as her rôle of educating the children. We have also wished to protect the young workwoman against physical and moral devastation. Such are the great problems which have engaged our attention.

"But these problems are so weighty, so delicate, so complicated, that their solution must be sought not only by theoretical considerations, but also by an attentive study of practical life. There will be a long road to traverse before reaching the much-desired end; we must advance to it with energy and courage, but also with foresight and circumspection.

"We shall submit our labours to the appreciation of our respective Governments, who will have to provide for the realization of our proposals.

"But whatever the result, whatever the success of our labour, the unanimity of the sentiments which have inspired us, the spirit of conciliation which has reigned among us, the sustained application which has been brought to bear, have given to our meetings a character of a nature to give rise everywhere to confidence, and to create among us a good feeling, which will, I hope, be lasting."

M. Jocobs speaks as follows :—

"I shall not be bold enough to add anything to the noble utterances of Mgr. Kopp and M. Jules Simon. I should like to leave the Conference under the profound impression produced by them. But it might be inferred from the grounds for France's abstention, that the countries voting for the proposed Resolutions consent to be bound diplomatically. Such is not the view held by Belgium. The question asked might give rise to the thought which has inspired the instructions given to the French Delegates, but the answer returned cannot be thus interpreted. The Belgian and French Delegates therefore express by their slightly different votes a common meaning."

M. de Tham, Swedish Delegate, makes the following declaration :—

"I have been to a great extent prevented by the labours of the Third Commission from assisting in the deliberations of that which considered the putting into force of the Resolutions adopted by the Conference, and thus I have had no opportunity of giving expression to my opinion on the subject. It is for this reason that I have risen to adhere to the Resolutions proposed by the Commission, yet with this reservation that the superintendence over the execution of the measures taken to realize the proposals of the Conference be handed exclusively to the Government of each State, and that no interference of a foreign Power be admitted."

M. de Castro adds that Spain does not consider it necessary to touch on the questions which has reference to the IVth Section of the general programme to explain her vote, having the same reasons for recording an affirmative vote as those which M. Jacobs has just expressed in the name of Belgium.

M. Christie expresses himself as follows :—

"Norway not having been represented in the Fourth Commission, I ask that it be noted in the Protocol that I believe I may adhere on behalf of my country to the Resolutions adopted by the Commission. A Bill presented by the Norwegian Government to the Storthing of this year proposes the institution of Inspectors of Labour like those mentioned in the Resolution of the Fourth Commission."

The Conference then proceeds to a distinct vote on the preamble, and on each of the paragraphs of the first Resolution, which are successively adopted, as well as the second Resolution; the whole is unanimously adopted, France abstaining, in the following form :—

"1. In case the Governments should give effect to the labours of the Conference, the following provisions are recommended :—

"(*a.*) The carrying out of the measures taken in each State shall be superintended by a sufficient number of specially qualified functionaries, nominated by the Governments of the country, and independent alike of employers and employed.

"(*b.*) The Annual Reports of these functionaries published by the Governments of the various countries shall be communicated by each of them to the other Governments.

"(*c.*) Each of these States shall proceed periodically, and as far as possible in a similar form, to publish statistics on the questions included in the deliberations of the Conference.

"(*d.*) The States taking part in the Conference shall exchange among them these statistics as well as the text of the provisions, either legislative or administrative, which have reference to the questions included in the deliberations of the Conference.

"2. It is desirable that the deliberations of the States taking part in the Conference should be renewed, in order to communicate to one another the observations suggested by the effect given to the deliberations of the present Conference, and in order to consider whether they require modification or completion."

M. Reichardt asks leave to present to the Conference several complementary explanations; he announces first that the correct and definite proofs of Protocols Nos. 5 and 6 will certainly not be ready in time for the Delegates to affix their signature thereto. On his motion, the Assembly approves of the proposal to leave to those Delegates who reside at Berlin the powers necessary to append a valid signature to these documents.

He reminds them, also, that according to the custom followed in such cases, a Final Protocol, containing the whole of the Resolutions voted by the Conference, will be prepared and presented for the signature of the Delegates.

The President, after inviting a member of each Delegation to come to an understanding with him at once on a text for the final Act, declares that the sitting is ended, and that the last plenary meeting of the Conference will be held on the 29th March, at 2 P.M.

Annex to Protocol No. 6.

Declaration made out of the Sitting by the Portuguese Delegates.

Excellency,

BEFORE the termination of the labours of the Berlin Conference, the initiative and results of which will figure as one of the brightest pages in the history of the present century, we, the Delegates of Portugal, desire, Mr. President, to impart some information to you which may be of interest.

The programme of the work of the Conference contained no section respecting the relations between employers and workmen in factories where, the State being the employer, Regulations for their protection might be issued without interfering with industrial liberty and individual rights. It is on this account that we have abstained from presenting to the Conference Commissions the Portuguese Law of the 22nd May, 1888, and explaining its text.

It appears to us, however, that factories belonging to the State—the number and importance of which are daily increasing everywhere—should be models, by the action and example of which the lot of workmen of this particular industry should be gradually improved.

We have the honour to address to you, Mr. President, two copies of the Law of the 22nd May, 1888, as well as the Regulations promulgated for carrying it out. This Law has created a tobacco monopoly in Portugal, and has abolished the previous system of the freedom of this industry.

The tobacco-workers, numbering from 5,000 to 6,000, about half of them being of the female sex, constituted perhaps the most miserable class among the Portuguese workers. Their number exceeded the demand by a quarter, perhaps a third, and hence arose, from the action of competition, frequent stoppages and successive reductions in wages paid by the piece.

The Constitutional Law of the tobacco monopoly in Portugal has completely changed this state of things, and we can assure you, Mr. President, that, after nearly two years' trial, the results of its working have been satisfactory. Tranquillity has been restored among these workmen, who before were always in a condition of anxiety.

The chief provisions of the organization created by the Law of the 22nd May, 1888, are :—

1. The guarantee of a permanent day's work of eight hours to all workmen, as well as a guarantee of the rates of payment existing at the time in question.

2. The institution of a relief system comprehending assistance in case of illness, help in the case of work being impossible, the establishment of "crèches" and schools in the mills, &c., carried on by the workmen's subscriptions and State subsidies.

3. The creation of a pensions' fund for invalided workers, guaranteeing them a minimum of 1,500 reis (8 fr. 30 c.) a-week, by means of an annual grant of 20 contos of reis, or about 110,000 fr.

4. The participation of the workmen in the profits of manufacture.

Such are the chief provisions of the system created by the Law of the 22nd May, 1888, as far as the position of the workmen is concerned.

In begging you, Mr. President, to communicate to the Conference this information, we hope that it will, by its importance, obtain the honour of being included in the official Minutes.

The Portuguese Delegates,
(Signed) J. P. OLIVEIRA MARTINS.
E. MADEIRA PINTO.

Berlin, the Hall of the Labour Conference,
March 28, 1890.

Personal Declaration of M. Santamaria, Spanish Delegate, concerning the Prohibition of Female Labour in Mines.

I reserve my personal opinion on this question, because I believe that we ought to have said: "That it is desirable that the persons of the female sex should not work below ground."

No. 25.

Sir E. Malet to the Marquis of Salisbury.—(*Received April* 7.)

My Lord, *Berlin, March* 31, 1890.

I HAVE the honour to report to your Lordship that the Labour Conference held its last meeting and terminated its discussions on Saturday, the 29th instant.

Her Majesty's Representatives and the Expert Delegates have left Berlin, and will already have reported the result of their Mission to Her Majesty's Government.

I have, &c.

(Signed) EDWARD B. MALET.

No. 26.

Sir J. Gorst to Foreign Office.—(*Received May* 1.)

Sir, *India Office, April* 30, 1890.

I HAVE the honour to forward herewith, for submission to the Secretary of State for Foreign Affairs, the inclosed Protocol No. 7 of the International Conference on the Labour question, duly authenticated.

I am, &c.

(Signed) JOHN E. GORST.

Inclosure in No. 26.

Protocole No. 7.—Séance du 29 *Mars*, 1890.

Étaient présents:

Allemagne—

Son Excellence M. le Baron de Berlepsch, Ministre du Commerce et de l'Industrie.
M. Magdeburg, Sous-Secrétaire d'État au Ministère du Commerce et de l'Industrie.
Sa Grandeur Mgr. le Dr. Kopp, Prince-Évêque de Breslau.
M. Reichardt, Directeur au Département des Affaires Étrangères.
M. Lohmann, Conseiller Intime Supérieur de Régence.
M. le Dr. Hauchecorne, Premier Directeur de l'Académie des Mines, Conseiller Intime des Mines.
M. Landmann, Conseiller Supérieur de Régence au Ministère Royal de l'Intérieur de Bavière.
M. le Baron Heyl de Herrnsheim, Conseiller Intime de Commerce à Worms.
M. Koechlin, Industriel et Conseiller d'Etat.

Autriche-Hongrie—

M. le Baron Béla Weigelsperg, Conseiller Impérial Royal au Ministère du Commerce.
M. le Dr. F. Migerka, Conseiller Impérial Royal au Ministère du Commerce, Inspecteur-Général des Fabriques.
M. le Baron Auguste de Plappart, Conseiller Impérial Royal au Ministère de l'Intérieur.
M. le Dr. Ludwig Haberer, Secrétaire au Ministère Impérial Royal de l'Agriculture.
M. le Dr. Jules de Schnierer, Conseiller au Ministère Royal Hongrois du Commerce.
M. Béla de Graenzenstein, Ingénieur des Mines, Directeur-Général de la Régie Royale des Tabacs, Conseiller Ministériel.
M. Joseph Szterényi, Inspecteur Royal Hongrois de l'Industrie.
M. le Dr. Schulz, Secrétaire de la Délégation d'Autriche-Hongrie.

Belgique—

M. le Baron Greindl, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. Victor Jacobs, Ministre d'État, Membre de la Chambre des Représentants.
M. Émile Harzé, Directeur des Mines au Ministère de l'Agriculture, de l'Industrie, et des Travaux Publics.
M. le Baron A. t'Kint de Roodenbeke, Vice-Président du Conseil Provincial de la Flandre Orientale.

Danemark—

M. C. F. Tietgen, Conseiller d'État Intime.
M. H. Topsöe, Inspecteur Royal des Fabriques, Professeur à l'Académie Militaire.
M. L. Bramsen, Directeur de Compagnies d'Assurance.

Espagne—

M. Manuel Fernandez de Castro, Sénateur, Inspecteur-Général des Mines.
M. Vicente Santamaria de Paredes, Député et Directeur-Général de l'Instruction Publique.

France—

M. Jules Simon, Sénateur.
M. Tolain, Sénateur.
M. Burdeau, Député.
M. Linder, Vice-Président du Conseil Supérieur des Mines.
M. Victor Delahaye, Ouvrier Mécanicien.
M. Jacquot, Consul-Général de France à Leipzig.
M. Laporte, Inspecteur Divisionnaire du Travail des Enfants dans les Manufactures.
M. Pellé, Ingénieur des Mines.
M. A. Lebon, Secrétaire de la Délégation Française.

Grande-Bretagne—

The Right Hon. Sir John Gorst, Membre du Parlement, Sous-Secrétaire d'État pour les Indes.
Mr. Charles S. Scott, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique en Suisse.
Sir William H. Houldsworth, Bart., Membre du Parlement d'Angleterre.
David Dale, Esq., Propriétaire de Mines.
Mr. T. Burt, Membre du Parlement, Secrétaire de l'Association des Mineurs.
Mr. T. Birtwistle, Secrétaire de l'Association des Ouvriers de l'Industrie Textile.
Mr. J. Burnett, Chef de Division au Département du Travail.

Italie—

M. Gerolamo Boccardo, Sénateur et Conseiller d'État.
M. Vittorio Ellena, Député et Conseiller d'État.
M. Luigi Bodio, Directeur-Général de la Statistique du Royaume d'Italie.
M. Bonaldo Stringher, Chef de Division au Ministère des Finances.
M. Giuseppe Majorana Calatabiano, Professeur à l'Université Royale de Messine, Avocat à la Cour Royale de Cassation de Rome.
M. Mario Mancini, Rédacteur des Procès-Verbaux de la Chambre des Députés à Rome.

Luxembourg—

M. le Dr. Alexis Brasseur, Député et Propriétaire de Mines.

Pays-Bas—

M. le Jonkheer F. P. van der Hoeven, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. le Dr. Snyder van Wissenkerke, Directeur au Ministère de la Justice.
M. H. W. E. Struve, Inspecteur du Travail;

Portugal—
M. le Marquis de Penafiel, Envoyé Extraordinaire et Ministre Plénipotentiaire.
M. Ernesto Madeira Pinto, Conseiller et Directeur-Général du Département du Commerce.
M. J. P. de Oliveira Martins, Administrateur de la Régie des Tabacs, Ancien Député.

Suède et Norvège—
M. W. de Tham, Membre de la Première Chambre de la Diète Suédoise.
M. E. Christie, Secrétaire-Général du Ministère de l'Intérieur de Norvège.
M. le Comte de Wrangel, Secrétaire de la Délégation de Suède et Norvège.

Suisse—
M. E. Blumer, Landammann du Canton de Glaris.
M. le Dr. F. Kaufmann, Premier Secrétaire du Département Fédéral l'Industrie.
M. Bonjour, Secrétaire de la Délégation Suisse.

La séance est ouverte à 2 heures et demie.

Le Président donne lecture du Protocol Final, dont les termes ont été approuvés dans une réunion de Représentants de chaque Délégation, et qui contient, dans la forme définitive, les vœux émis par la Conférence; le texte de ce document a été vérifié et certifié authentique par MM. Kayser et Dumaine, membres du Secrétariat. Il invite ensuite MM. les Délégués à apposer leur signature au bas de ce document.

Après que cette formalité a été remplie, le Président prononce le discours suivant:—

"Messieurs,

"Nos travaux sont terminés. C'est aujourd'hui que les membres de la Conférence Internationale pour la protection des ouvriers dans les établissements industriels et dans les mines se séparent pour rentrer dans leurs foyers. En ce moment, chacun d'entre nous se pose cette question bien naturelle, de savoir si le travail assidu et consciencieux auquel nous nous sommes livrés pendant quinze jours, si l'échange d'opinions qui a eu lieu et les relations amicales qui ont été nouées entre nous, resteront sans résultat sérieux, ou bien auront, au contraire, des effets durables pour le bien public.

"Nous ne sommes pas à même de répondre à cette question d'une manière décisive; car il n'entrait pas dans nos attributions de conclure une Convention Internationale réglant les points soumis à nos délibérations. Notre compétence se limitait à formuler des appréciations et des vœux, qui seront soumis aux Gouvernements représentés dans la Conférence.

"Mais la question sur laquelle nous avons le droit et le devoir de nous prononcer, c'est celle qui consiste à décider si nos travaux fournissent une base, sur laquelle puissent s'appuyer et se développer des projets de protection plus efficace et de garanties plus sérieuses pour les forces matérielles, physiques, morales, et intellectuelles des classes ouvrières.

"Messieurs, je n'hesite pas en votre nom à répondre dans un sens affirmatif à cette question.

"Certes, au début de nos délibérations, nous nous trouvions sous l'impression de la difficulté qu'il y avait à réunir, dans des vues d'ensemble, les divers aspects de la question de la protection des ouvriers, pour ce qui concerne la nature, la durée, et le repos du travail. Mais, grâce à l'échange de nos opinions, nous sommes arrivés, Messieurs, à la conviction qu'il y a certains points de vue généraux sur lesquels les Gouvernements pourraient s'entendre entre eux et d'après lesquels ils régleraient leur législation nationale, en tenant compte des conditions spéciales à leurs pays respectifs.

"A mon avis, les principes consacrés par les vœux qu'a formulés la Conférence, pourraient être ainsi résumés; à savoir que chaque pays devrait accorder à la classe ouvrière, soit par la législation, soit dans les mœurs, tout ce qui n'est pas incompatible avec la sûreté de l'existence et le développement de l'industrie nationale, desquels dépend, d'ailleurs, le bien-être des ouvriers.

"En nous séparant, convaincus que cette pensée se réalisera de plus en plus, nous pourrons, Messieurs, terminer nos travaux avec un sentiment de satisfaction. Nous en soumettrons le résultat avec une conscience tranquille aux Hauts Gouvernements

qui nous avaient délégués et dont dépendra la suite à donner aux vœux de la Conférence.

"En attendant, je suis très heureux d'être chargé par l'Empereur, mon auguste Souverain, de vous exprimer, Messieurs, les chaleureux remerciements de Sa Majesté pour les efforts soutenus, considérables et féconds que chacun d'entre vous a consacrés aux débats de la Conférence.

"Que la bénédiction du Seigneur nous soit en aide pour que le grain que nous venons de semer, suivant nos faibles forces, porte des fruits centuples au profit de l'humanité."

Sir John Gorst demande la parole, et s'exprime en Anglais dans les termes traduits ci-après :—

"Notre Président disait, au banquet d'hier soir, que, pour bien exprimer ce qui vient du cœur, la langue du pays natal est toujours la meilleure à employer. C'est pourquoi j'espère que la Conférence me permettra de me servir de la langue Anglaise, afin de mieux rendre ce qui se trouve dans mon cœur et, je le crois aussi, dans celui de mes collègues de toute nationalité. Nous désirons, avant tout, que le Président fasse savoir à l'Empereur d'Allemagne combien nous sommes reconnaissants à Sa Majesté de l'initiative qu'elle a prise en convoquant cette assemblée, non moins que de la gracieuse hospitalité dont nous avons été honorés et qui fera de notre séjour à Berlin un des plus beaux souvenirs de notre vie. Nous désirons aussi témoigner de notre très vive gratitude à M. le Président, à M. Magdeburg, et aux Secrétaires, pour l'impartialité, la patience, et l'habileté avec lesquelles la Conférence a été dirigée, et pour la clarté qui a été répandue dans la rédaction de nos Résolutions. Chacun de nous se rappellera toujours, avec une grande satisfaction, la part qu'il a prise aux débuts de cette œuvre de générosité en faveur des ouvriers de tous les pays. Mais nous espérons que les conséquences de nos travaux ne s'arrêteront pas à la confection de Protocoles, et que les Gouvernements des nations représentées ici prendront en très sérieuse considération les vœux que nous avons émis. Nous comptons avec confiance que des millions d'hommes, de femmes et d'enfants en tireront l'avantage d'une destinée meilleure, d'une existence plus douce, et que les générations futures se trouveront plus riches, plus fortes, et plus vertueuses, par l'effet des dispositions dont la Conférence a marqué les premières tendances. Un tel résultat serait la plus complète récompense que pourraient obtenir Sa Majesté l'Empereur d'Allemagne, ainsi que le Président, et les Secrétaires de la Conférence."

M. Jacobs ajoute ce qui suit aux déclarations du Délégué Britannique :—

"Il est d'usage, dans les assemblées Anglaises, que le 'mover' d'une motion importante soit appuyé par un autre membre de l'Assemblée. Sir John Gorst ne trouvera pas mauvais, je l'espère, que je lui serve de 'seconder.'

"Ce n'est pas peu de chose, Messieurs, que de présider une Conférence où quinze États sont représentés et dont l'objet touche, par tous les bouts, à cet immense problème : concilier la tutelle de l'État, en ce qu'elle a de légitime, avec le respect de la liberté individuelle, sans laquelle l'homme n'est qu'un rouage de machine.

"Pour qu'une telle Conférence réussisse, pour qu'elle ne s'éternise pas, son Président doit réunir toutes les qualités d'un Général-en-chef. Il doit diviser son armée en plusieurs corps et répartir judicieusement entre eux l'ensemble des opérations. La répartition de vos travaux a été si bien équilibrée que vos trois Commissions ont terminé leur œuvre le même jour. Le Général-en-chef doit avoir soin de placer chaque corps d'armée sous le commandement d'un Général expérimenté, et, pour tout prévoir, il doit pourvoir à son propre remplacement. La désignation des Généraux Magdeburg, Kopp, Simon, et Hauhecorne prouve que le Général-en-chef, Baron de Berlepsch, sait, de main de maître, choisir ses collaborateurs.

"Le service de l'État-Major est, en campagne, d'une importance capitale. Je n'ai jamais rencontré un Secrétariat, je veux dire un État-Major, mieux organisé que le nôtre.

"Mais, Messieurs, de même que les mets les plus fins ne valent rien s'ils ne sont bien assaisonnés, toutes ces dispositions, si bien ordonnées en vue des manœuvres de notre armée pacifique, ne nous eussent pas fait emporter d'ici l'excellent souvenir que nous emporterons, si elles n'avaient été assaisonnées de cette bonne grâce et de cette cordialité qui doublent le prix de toutes choses.

"Sous ce rapport aussi, nous ne pouvions avoir de meilleur Président et j'exprime votre sentiment à tous, Messieurs, lorsque parmi les remerciements que Sir J. Gorst adressait tout à l'heure à Sa Majesté l'Empereur d'Allemagne, j'en souligne un : nous remercions Sa Majesté d'avoir confié la direction de nos travaux à M. le Baron de Berlepsch."

Le Président exprime ses sentiments de gratitude pour les paroles aimables qui lui ont été adressées, et ne consent à accepter les félicitations qu'il vient d'entendre qu'à la condition d'en reporter la plus large part sur ses collaborateurs.

M. Boccardo tient à remercier, non seulement à titre personnel, mais aussi au nom de toute la Délégation Italienne, le Gouvernement Impérial pour l'accueil exceptionnellement flatteur qui a été fait aux membres de la Conférence, et il se joint aux précédents orateurs pour témoigner sa reconnaissance tant au Président qu'aux membres de la Délégation Allemande.

M. de Castro, de la part du Gouvernement Espagnol, s'associe également aux expressions de gratitude que viennent d'être si heureusement formulées.

Le Président déclare, au nom de Sa Majesté l'Empereur d'Allemagne, que la Conférence est close, et lève la séance à 3 heures et demie.

(Signé) Baron DE BERLEPSCH.
MAGDEBURG.
REICHARDT.
LOHMANN.
HAUCHECORNE.
GREINDL.
MANUEL FERN. DE CASTRO.
V^TE. SANTAMARIA DE PAREDES.
JONKHEER VAN DER HOEVEN.
Marquis DE PENAFIEL.*

Annexe au Protocole No. 7.

Protocole Final de la Conférence Internationale concernant le règlement du Travail dans les Établissements Industriels et dans les Mines.

Les soussignés Délégués des Gouvernements de Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, de Sa Majesté l'Empereur d'Autriche, Roi de Hongrie, de Sa Majesté le Roi des Belges, de Sa Majesté le Roi de Danemark, de Sa Majesté la Reine-Régente d'Espagne, de la République Française, de Sa Majesté la Reine de la Grande-Bretagne, de Sa Majesté le Roi d'Italie, de Sa Majesté le Roi des Pays-Bas, en cette qualité et en celle de Grand-Duc de Luxembourg, de Sa Majesté le Roi de Portugal, de Sa Majesté le Roi de Suède et de Norvège, et du Conseil Fédéral de la Confédération Suisse s'étant réunis à Berlin en Conférence pour discuter les questions relatives à la protection des ouvriers et contenues dans le programme qui avait été joint à l'invitation du Gouvernement Impérial d'Allemagne, ont consigné comme résultat de leurs délibérations l'expression des vœux suivants, énoncés la plupart à l'unanimité et les autres à la majorité.

I.—*Règlement du Travail dans les Mines.*

Il est désirable—

1 (*a.*) Que la limite inférieure de l'âge, auquel les enfants peuvent être admis aux travaux souterrains dans les mines, soit progressivement élevée, à mesure que l'expérience en aura prouvé la possibilité, à 14 ans révolus.

Toutefois, pour les pays méridionaux, cette limite serait celle de 12 ans.

(*b.*) Que le travail sous terre soit défendu aux personnes du sexe féminin.

2. Que, dans les cas où l'art des mines ne suffirait pas pour éloigner tous les dangers d'insalubrité provenant des conditions naturelles ou accidentelles de l'exploitation de certaines mines ou de certains chantiers de mine, la durée du travail soit restreinte.

Le soin est laissé à chaque pays d'assurer ce résultat par voie législative ou administrative, ou par accord entre les exploitants et les ouvriers, ou autrement, selon les principes et la pratique de chaque nation.

3. (*a.*) Que la sécurité de l'ouvrier et la salubrité des travaux soient assurées par tous les moyens dont dispose la science, et placées sous la surveillance de l'État;

(*b.*) Que les ingénieurs chargés de diriger l'exploitation soient exclusivement des hommes d'une expérience et d'une compétence technique dûment constatées;

(*c.*) Que les relations entre les ouvriers mineurs et les ingénieurs de l'exploitation soient le plus directes possible pour avoir un caractère de confiance et de respect mutuels;

* Voir, au sujet des signatures qui manquent, la motion de M. Reichardt (Protocole No. 6, *in fine*).

(*d.*) Que les institutions de prévoyance et de secours, organisées conformément aux mœurs de chaque pays et destinées à garantir l'ouvrier mineur et sa famille contre les effets de la maladie, des accidents, de l'invalidité prématurée, de la vieillesse et de la mort, institutions qui sont propres à améliorer le sort du mineur et à l'attacher à sa profession, soient de plus en plus développées ;

(*e.*) Que, dans le but d'assurer la continuité de la production du charbon, on s'efforce de prévenir les grèves. L'expérience tend à prouver que le meilleur moyen préventif consiste à ce que les patrons et les mineurs s'engagent volontairement, dans tous les cas où leurs différends ne pourraient pas être résolus par une entente directe, à recourir à la solution par l'arbitrage.

II.—*Règlement du Travail du Dimanche.*

1. Il est désirable, sauf les exceptions et les délais nécessaires dans chaque pays—

(*a.*) Qu'un jour de repos par semaine soit assuré aux personnes protégées.

(*b.*) Qu'un jour de repos soit assuré à tous les ouvriers de l'industrie.

(*c.*) Que ce jour de repos soit fixé au Dimanche pour les personnes protégées,

(*d.*) Que ce jour de repos soit fixé au Dimanche pour tous les ouvriers de l'industrie.

2 Des exceptions sont admissibles :

(*a.*) A l'égard des exploitations qui exigent la continuité de la production pour des raisons techniques ou qui fournissent au public des objets de prèmiére nécessité, dont la fabrication doit être quotidienne ;

(*b.*) A l'égard des exploitations qui, par leur nature, ne peuvent fonctionner que dans des saisons déterminées ou qui dépendent de l'action irrégulière des forces naturelles.

Il est désirable que, même dans les établissements de cette catégorie, chaque ouvrier ait un Dimanche libre sur deux.

3. Dans le but de déterminer les exceptions à des points de vue similaires, il est désirable que leur réglementation soit établie par suite d'une entente entre les différents Gouvernements.

III.—*Règlement du Travail des Enfants.*

Il est désirable—

1. Que les enfants des deux sexes n'ayant pas atteint un certain âge soient exclus du travail dans les établissements industriels ;

2. Que cette limite d'âge soit fixée à 12 ans, sauf pour les pays méridionaux où cette limite serait de 10 ans ;

3. Que ces limites d'âge soient les mêmes pour tout établissement industriel et qu'il ne soit admis sous ce rapport aucune différence ;

4. Que les enfants aient préalablement satisfait aux prescriptions concernant l'instruction primaire ;

5. Que les enfants au-dessous de 14 ans révolus ne travaillent ni la nuit, ni le Dimanche ;

6. Que leur travail effectif ne dépasse pas six heures par jour et soit interrompu par un repos d'une demi-heure au moins ;

7. Que les enfants soient exclus des occupations insalubles ou dangereuses ou n'y soient admis que sous certaines conditions protectrices.

IV.—*Règlement du Travail des Jeunes Ouvriers.*

Il est désirable—

1. Que les jeunes ouvriers des deux sexes de 14 à 16 ans ne travaillent ni la nuit, ni le Dimanche ;

2. Que leur travail effectif ne dépasse pas dix heures par jour et soit interrompu par des repos d'une durée totale d'une heure et demie au moins ;

3. Que des exceptions soient admises pour certaines industries ;

4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses ;

5. Qu'une protection soit assurée aux jeunes garçons de 16 à 18 ans en ce qui concerne :

(*a.*) Une journée maxima de travail ;

(*b.*) Le travail de nuit ;

(*c.*) Le travail du Dimanche ;

(*d.*) Leur emploi dans des occupations particulièrement insalubres ou dangereuses.

V.—*Règlement du Travail des Femmes.*

Il est désirable—

1.—(*a.*) Que les filles et les femmes de 16 à 21 ans ne travaillent pas la nuit;

(*b.*) Que les filles et les femmes de plus de 21 ans ne travaillent pas la nuit;

2. Que leur travail effectif ne dépasse pas onze heures par jour et qu'il soit interrompu par des repos d'une durée totale d'une heure et demie au moins;

3. Que des exceptions soient admises pour certaines industries;

4. Que des restrictions soient prévues pour les occupations particulièrement insalubres ou dangereuses;

5. Que les femmes accouchées ne soient admises au travail que quatre semaines après leur accouchement.

VI.—*Mise à exécution des Dispositions adoptées par la Conférence.*

1. Pour le cas où les Gouvernements donneraient suite aux travaux de la Conférence, les dispositions suivantes se recommandent:

(*a.*) L'exécution des mesures prises dans chaque État sera surveillée par un nombre suffisant de fonctionnaires spécialement qualifiés, nommés par le Gouvernement du pays et indépendants des patrons, aussi bien que des ouvriers;

(*b.*) Les Rapports annuels de ces fonctionnaires, publiés par les Gouvernements des divers pays, seront communiqués par chacun d'eux aux autres Gouvernements;

(*c.*) Chacun de ces États procédera périodiquement et, autant que possible dans une forme semblable, à des relevés statistiques, quant aux questions visées dans les délibérations de la Conférence;

(*d.*) Les États participants échangeront entre eux ces relevés statistiques, ainsi que le texte des prescriptions émises par voie législative ou administrative et se rapportant aux questions visées dans les délibérations de la Conférence.

2. Il est désirable que les délibérations des États participants se renouvellent, afin que ceux-ci se communiquent réciproquement les observations que les suites données aux délibérations de la présente Conférence auront suggérées, et afin d'examiner l'opportunité de les modifier ou de les compléter.

Les Soussignés soumettront ces vœux à leurs Gouvernements respectifs sous les réserves et avec les observations faites dans les séances du 27 et du 28 Mars, et reproduites dans les procès-verbaux de ces séances.

Fait à Berlin, le 29 Mars, de l'an 1890, en un seul exemplaire qui sera déposé dans les archives du Gouvernement Impérial d'Allemagne et dont une copie légalisée sera remise, par la voie diplomatique, à chaque Gouvernement représenté à la Conférence.

(Signé) Baron DE BERLEPSCH.
MAGDEBURG.
G. KOPP.
REICHARDT.
LOHMANN.
HAUCHECORNE.
LANDMANN.
Baron HEYL DE HERRNSHEIM.
ED. KOECHLIN.
WEIGELSPERG.
Dr. MIGERKA.
PLAPPART.
Dr. HABERER.
SCHNIERER.
GRAENZENSTEIN.
SZTERÉNYI, JOSEPH.
GREINDL.
V. JACOBS.
ÉMILE HARZÉ.
Baron A. T'KINT DE ROODENBEKE.
C. F. TIETGEN.
HALDOR TOPSÖE.
LUDVIG BRAMSEN.
MANUEL FERN. DE CASTRO.
Vte. SANTAMARIA DE PAREDES.
JULES SIMON.
H. TOLAIN.

(Signé) A. BURDEAU.
LINDER.
V. DELAHAYE.
JOHN E. GORST.
CHARLES S. SCOTT.
W. H. HOULDSWORTH.
DAVID DALE.
G. BOCCARDO.
V. ELLENA.
L. BODIO
A. BRASSEUR.
JONKHEER F. P. VAN DER HOEVEN.
SNYDER VAN WISSENKERKE.
H. W. E. STRUVE.
Marquis DE PENAFIEL.
ERNESTO MADEIRA PINTO.
J. P. OLIVEIRA MARTINS.
WILHELM DE THAM.
E. CHRISTIE.
E. BLUMER.
DR. KAUFMANN.

Certifié conforme à l'original :
(Signé) DR. KAYSER.
DR. FURST.
ALFRED DUMAINE.
Comte D'ARCO VALLEY.

(Translation.)

Protocol No. 7.—*Sitting of March* 29, 1890.

Present :

Germany—
His Excellency Baron von Berlepsch, Minister for Commerce and Industry.
Herr Magdeburg, Under-Secretary of State for Commerce and Industry.
Mgr. Dr. Kopp, Prince-Bishop of Breslau.
Herr Reichardt, Director in the Foreign Office.
Herr Lohmann, Superior Privy Councillor of Administration.
Dr. Hauchecorne, First Director of the Academy of Mines, Privy Councillor of Mines.
Herr Landmann, Superior Councillor of Administration in the Bavarian Ministry of the Interior.
Baron Heyl von Herrnsheim, Privy Councillor for Trade at Worms.
Herr Koechlin, Manufacturer and Councillor of State.

Austria-Hungary—
Baron Weigelsperg, Imperial and Royal Councillor in the Ministry of Commerce.
Dr. F. Migerka, Imperial and Royal Councillor in the Ministry of Commerce, Inspector-General of Factories.
Baron Augustus von Plappart, Imperial and Royal Councillor in the Ministry of the Interior.
Dr. Ludwig Haberer, Secretary in the Imperial and Royal Ministry for Agriculture.
Dr. Julius von Schnierer, Councillor in the Hungarian Ministry for Commerce.
Herr Béla von Graenzenstein, Mining Engineer, Director-General of the Crown Tobacco Monopoly, Councillor in the Ministry.
Herr Joseph Szterényi, Hungarian Factory Inspector.
Dr. Schulz, Secretary to the Austro-Hungarian Delegates.

Belgium—
Baron Greindl, Envoy Extraordinary and Minister Plenipotentiary.
M. Victor Jacobs, Minister of State, Member of the Chamber of Representatives.
M. Emile Harzé, Director of Mines in the Ministry of Agriculture, Industry, and Public Works.
Baron A. t'Kint de Roodenbeke, Vice-Chairman of the Provincial Council of East Flanders.

Denmark—
M. C. F. de Tietgen, Privy Councillor of State.
M. H. Topsöe, Inspector of Factories, Professor at the Military Academy.
M. L. Bramsen, Director of Assurance Companies.

Spain—
M. Manuel Fernandez de Castro, Senator, Inspector-General of Mines.
M. Vicente Santamaria de Paredes, Deputy and Director-General of Public Instruction.

France—
M. Jules Simon, Senator.
M. Tolain, Senator.
M. Burdeau, Deputy.
M. Linder, Vice-President of the Superior Council of Mines.
M. Victor Delahaye, Machinist.
M. Jacquot, French Consul-General at Leipzig.
M. Laporte, Divisional Inspector of Child Labour in Factories.
M. Pellé, Mining Engineer.
M. A. Lebon, Secretary to the French Delegates.

Great Britain—
The Right Honourable Sir John Gorst, M.P., Under-Secretary of State for India.
Mr. Charles S. Scott, C.B., Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Berne.
Sir W. Houldsworth, Bart., M.P.
David Dale, Esq., Mine-owner.
Mr. T. Burt, M.P., Secretary of the Miners' Association.
Mr. T. Birtwistle, Secretary of the United Weavers' Association.
Mr. J. Burnett, Labour Correspondent of the Board of Trade.

Italy—
M. Gerolamo Boccardo, Senator and Councillor of State.
M. Vittorio Ellena, Deputy and Councillor of State.
M. Luigi Bodio, Director-General of the Italian Statistical Department.
M. Bonaldo Stringher, Head of a Department in the Ministry of Finance.
M. Giuseppe Majorana Calatabiano, Professor at the Royal University of Messina, Advocate in the Royal Court of Cassation, Rome.
M. Mario Mancini, Editor of the Minutes of the Chamber of Deputies, Rome.

Luxemburg—
Dr. Alexis Brasseur, Deputy, and Mine-owner.

The Netherlands—
Jonkheer F. P. van der Hoeven, Envoy Extraordinary and Minister Plenipotentiary.
Dr. Snyder van Wissenkerke, Director at the Ministry of Justice.
M. Struve, Labour Inspector.

Portugal—
The Marquis de Penafiel, Envoy Extraordinary and Minister Plenipotentiary.
M. Ernesto Madeira Pinto, Councillor and Director-General in the Department of Commerce.
M. J. P. Oliveira Martins, Administrator of the Government Tobacco Monopoly, formerly Deputy.

Sweden and Norway—

M. W. de Tham, Member of the First Chamber of the Swedish Diet
M. E. Christie, Secretary-General in the Ministry of the Interior.
Count Wrangel, Secretary of the Swedish and Norwegian Delegates.

Switzerland—

M. E. Blumer, Landammann of the Canton of Glaris.
Dr. Kaufmann, First Secretary of the Federal Department for Industry.
M. Bonjour, Secretary to the Swiss Delegates.

THE meeting opened at 2·30.

The President read the Final Protocol, the text of which had been approved at a meeting of Delegates of each State, and which contains, in their final form, the suggestions made by the Conference; the text of the document has been examined and certified to be correct by M. Kayser and M. Dumaine, Secretaries. He then asks the Delegates to sign it.

At the conclusion of this formality, the President made the following speech:—

"Gentlemen,

"Our labours are over.

"The members of the International Conference for the Protection of Workmen in Factories and Mines will now separate and return home. Each one of us must now ask himself whether the hard and conscientious work in which we have been engaged during the last fortnight, and whether the exchange of opinions which has taken place, and the friendly relations which have sprung up amongst us, are to remain without any real result, or whether, on the contrary, they will have a lasting effect for the public good.

"We are unable to give any definite answer to this question; for it did not lie within our powers to sign any International Convention settling the points submitted to us for consideration. Our powers did not extend beyond expressing opinions and making suggestions which will be laid before the Governments represented at the Conference.

"But the question to which we may and must give an answer is the following: Does our work furnish a basis on which plans may be founded for the more effectual protection and for the more practical safeguarding of the material, physical, moral, and intellectual forces of the working classes?

"Gentlemen, I have no hesitation in replying affirmatively, in your name, to the question I have propounded.

"No doubt, at the beginning of our discussions, we were impressed with the difficulty of bringing together in one frame the different views taken as to the protection of workmen in the matter of the nature and duration of labour, and of the periods of rest to be secured. But now, thanks to the exchange of views which has taken place, we have reached the conclusion that there are certain general principles on which the different Governments might agree, and in accordance with which they might regulate their respective Laws, while at the same time taking into consideration the particular circumstances of their respective countries.

"I think that the principles laid down in the suggestions made by the Conference may be summarized as follows, namely, that each country should give to the working classes, either by legislation or by custom, all that is not incompatible with security of existence for, and development of, national industry, on which the well-being of the workman depends.

"Being convinced that this idea will be realized in an ever-increasing degree, we may separate, Gentlemen, on the termination of our labours, with a feeling of satisfaction. We may lay the results of our labour, with a quiet conscience, before the Governments who appointed us their Delegates, and on whom depends the further action to be taken with regard to giving effect to the suggestions made by the Conference.

"In the meantime, I am happy in being charged by the Emperor, my august Sovereign, to express to you, Gentlemen, the warm thanks of His Majesty for the continued, great, and fertile efforts which each of you has contributed to the work of the Conference.

"May the blessing of the Lord aid us in order that the seed we have sown, with our feeble means, may bear fruit a hundred fold for the good of humanity."

Sir John Gorst asks leave to speak and express himself in English, in the terms of which the following is a translation:—

"Our President said, at last night's banquet, that one's mother-tongue was always the best to express what comes from the heart. I hope, therefore, that the Conference will permit me to speak in English, so that I may the better express what I feel in my heart, and what I think my colleagues of all nationalities also feel. We wish, first of all, that our President should assure the German Emperor of the extent of our gratitude to His Majesty for taking the initiative in summoning this assembly, and also for the gracious hospitality which we have had the honour to receive, and which will make our stay at Berlin one of the proudest recollections of our lives. We also desire to express to the President, to M. Magdeburg, and to the Secretaries, our very best thanks for the impartiality, the patience, and the skill shown in directing the Conference, and for the clearness with which our Resolutions have been drafted. Each one of us will ever remember with the greatest pleasure the part he took in laying the foundations of this generous labour for the workmen of all countries. But we trust that the results of our labours will not end with the drawing up of Protocols, but that the Governments represented will give most serious attention to the suggestions we have made. We have confident hopes that millions of men, women, and children will derive from it a better future and an easier life; and that the generations to come will be richer, stronger, and more virtuous owing to the effects of the provisions of which the Conference has laid down the first outlines. Such a result would be the highest reward which His Majesty the German Emperor, as well as the President and the Secretaries, could possibly obtain."

M. Jacobs added the following to the declarations of the British Delegate:—

"It is usual in meetings in England for the mover of any Resolution to be seconded by another member. Sir John Gorst will not, I hope, object to my seconding what he has said.

"It is no easy task, Gentlemen, to preside over a Conference where fifteen States are represented, and the aim of which comes in contact on all sides with the vast problem of reconciling the legitimate protection to be given by the State with respect for that individual freedom, without which man becomes nothing more than part of a machine.

"If such a Conference is to succeed, if it is ever to see the end of its labours, the President must possess all the qualities of a Commander-in-chief. He must divide his army into several corps, and must prudently distribute the operations of war among them. The work was so well divided between your three Committees that they all finished their labour on the same day. The Commander-in-chief must be careful to place each *corps d'armée* under an experienced General, and, in order to provide for every contingency, must even see that his own place may, if need be, be filled by another. The appointment as Generals of MM. Magdeburg, Kopp, Simon, and Hauchecorne shows that the Commander-in-chief, Baron de Berlepsch, chooses his fellow-workers with consummate skill.

"The Staff is, in every campaign, of the greatest importance. I have never had to do with Secretaries—I mean with a Staff—better organized than ours.

"But, Gentlemen, just as the most exquisite dishes are worth nothing unless they are rightly flavoured, these proposals, which are so well drawn from the point of view of the manœuvres of our pacific army, would not have enabled us to carry away with us the pleasant memories which will, indeed, accompany us had they not been flavoured with that good-will and heartiness which double the value of everything.

"From this point of view, also, it would have been impossible for us to have had a better President; and I speak the wish of all present, Gentlemen, if I underline one among the expressions of thanks addressed by Sir J. Gorst to His Majesty the German Emperor, namely, that we thank His Majesty for having confided the direction of our labours to Baron de Berlepsch."

The President expresses his thanks for the kind words addressed to him, but will not consent to accept these congratulations unless he is permitted to convey the great part to his colleagues.

M. Boccardo desires, not only in his own name and personally, but also in the name of all the Italian Delegates, to thank the Imperial Government for the exceptionally flattering reception given to the members of the Conference; and he supports what has been said by previous speakers in expressing his thanks both to the President and to the German Delegates.

M. de Castro, on the part of the Spanish Government, likewise supports the expression of thanks which has been so felicitously expressed.

The President, in the name of His Majesty the German Emperor, declares the Conference closed, and the meeting separates at half-past 3.

(Signed) Baron DE BERLEPSCH.
MAGDEBURG.
REICHARDT.
LOHMANN.
HAUCHECORNE.
GREINDL.
MANUEL FERN. DE CASTRO.
V^TE. SANTAMARIA DE PAREDES
JONKHEER VAN DER HOEVEN.
Marquis DE PENAFIEL.*

Annex to Protocol No. 7.

Final Protocol of the International Conference on Labour in Factories and Mines.

THE undersigned Delegates of the Governments of His Majesty the German Emperor, King of Prussia, of His Majesty the Emperor of Austria, King of Hungary, of His Majesty the King of the Belgians, of His Majesty the King of Denmark, of Her Majesty the Queen-Regent of Spain, of the French Republic, of Her Majesty the Queen of Great Britain, of His Majesty the King of Italy, of His Majesty the King of the Netherlands, as such, and as Grand Duke of Luxemburg, of His Majesty the King of Portugal, of His Majesty the King of Sweden and Norway, and of the Federal Council of Switzerland, having met in Conference at Berlin to discuss questions† relating to the protection of the working classes contained in the programme inclosed in the invitation from the Imperial German Government, have, as the result of their deliberations, agreed to express the following desires, the greater number of which were adopted unanimously and the others by a majority :—

I.—*Regulations concerning Work in Mines.*

It is desirable—

1. (*a.*) That the inferior limits of age at which children may be admitted to underground work in mines should be gradually raised, as experience may prove the possibility of such a course, to 14 years complete.

In southern countries, however, this limit may be 12 years.

(*b.*) That women be not allowed to work underground.

2. That in cases where the science of mining is not able to remove all the dangers to health resulting from conditions, either natural or accidental, in the working of certain mines or certain work connected with mines, the duration of the time of labour should be limited.

Each country is left the task of insuring this result by legislative or administrative means, or by agreement between employers and men, or otherwise, according to the principles and practice of each nation.

3. (*a.*) That the safety of the workman and the healthiness of the work should be insured by all the means at the disposal of science, and placed under the supervision of the State.

(*b.*) That the engineers charged with the direction of the works should all be men of experience and technical qualifications duly attested.

(*c.*) That the relations between miners and engineers of the works should be as direct as possible, so as to possess a character of mutual confidence and respect.

(*d.*) That the institutions of providence and assistance organized in conformity with the customs of each country, and intended to guarantee the working miner and his family against the effects of disease, accidents, premature ill-health, old age, and death—institutions which are calculated to improve the miner's lot and attach him to his trade—should be further developed.

(*e.*) That for the purpose of insuring continuity in the supply of coal, steps should be taken for the prevention of strikes. Experience tends to show that the best preventive consists in a voluntary agreement between masters and men that, in all cases where their differences cannot be arranged by a direct understanding, they shall have recourse to a solution by arbitration.

* With regard to the missing signatures, see the motion made by M. Reichardt (Protocol No. 6, *end*).

† See "Commercial No. 8 (1890)," p. 4.

II.—*Regulations concerning Sunday Labour.*

1. It is desirable, saving the exceptions and delays required in each country :—

(*a.*) That one day of rest in each week should be guaranteed to all protected persons ;

(*b.*) That one day of rest should be guaranteed to all factory workpeople ;

(*c.*) That this day of rest should be Sunday for all protected persons ;

(*d.*) That this day of rest should be Sunday for all factory workpeople.

2. Exceptions are admissible :—

(*a.*) In respect of work which necessitates continuous production for technical reasons, or which supplies the public with articles of prime necessity, that must be made every day ;

(*b.*) In regard to work which, by its nature, cannot be carried on except at stated seasons or times dependent on the irregular action of natural forces.

It is desirable that, even in establishments of this kind, every workman should have one Sunday in two free.

3. With the object of fixing the exceptions from similar points of view, it is desirable that the Regulations concerning them should be laid down after an understanding has been come to on the subject between the various Governments.

III.—*Regulation of Child Labour.*

It is desirable :—

1. That children of either sex not having reached a certain age be excluded from work in factories ;

2. That this limit of age be fixed at 12 years, except for southern countries, where the limit may be 10 years ;

3. That these limits of age be the same for every factory, and that no difference on this point be admitted ;

4. That the children must first have satisfied the provisions concerning primary education ;

5. That children below 14 years complete should work neither at night nor on Sundays ;

6. That their actual work do not exceed six hours a-day, and be broken by a rest of at least half-an-hour ;

7. That children be excluded from unhealthy or dangerous occupations, or be admitted to them only under certain protective conditions.

IV.—*Regulations concerning the Labour of the Young.*

It is desirable :—

1. That young workers of either sexes from 14 to 16 should work neither at night nor on Sundays ;

2. That their actual work should not exceed ten hours a-day, and be broken by rests of a total duration of at least an hour and a-half ;

3. That exceptions be admitted for certain industries ;

4. That restrictions be provided for peculiarly unhealthy or dangerous occupations ;

5. That protection be given to young men from 16 to 18 years, as far as concerns :—

(*a.*) A maximum day's labour.

(*b.*) Night work.

(*c.*) Sunday work.

(*d.*) Their employment in peculiarly dangerous or unhealthy occupations.

V.—*Regulations concerning Female Labour.*

It is desirable—

1. (*a.*) That girls and women from 16 to 21 years of age should not work at night ;

(*b.*) That girls and women over 21 should not work at night.

2. That their actual work should not exceed eleven hours a-day, and that it should be broken by rests of a total duration of one and a-half hours at least.

3. That exception be allowed for certain industries.

4. That restrictions be provided for particularly unhealthy or dangerous occupations.

5. That women after child-birth should not be admitted to work for four weeks after delivery.

VI.—*Execution of the Provisions adopted by the Conference.*

1. In case the Governments should give effect to the labours of the Conference, the following provisions are recommended :—

(*a.*) The carrying out of the measures taken in each State shall be superintended by a sufficient number of specially qualified functionaries nominated by the Government of the country, and independent alike of employers and employed.

(*b.*) The annual Reports of these functionaries, published by the Governments of the various countries, shall be communicated by each of them to the other Governments.

(*c.*) Each of the States shall proceed periodically, and, as far as possible, in a similar form, to publish statistics on the questions included in the deliberations of the Conference.

(*d.*) The States taking part in the Conference shall exchange among them these statistics, as well as the text of the provisions, either legislative or administrative, which have reference to the questions included in the deliberations of the Conference.

2. It is desirable that the deliberations of the States taking part in the Conference should be renewed, in order that the States in question may communicate to one another the observations suggested by the effect given to the deliberation of the present Conference, and in order to consider whether they require modification or completion.

The Undersigned will submit the above-expressed recommendations to their respective Governments under the reservations and with the observations made during the meetings of the 27th and 28th March, recorded in the Minutes of those meetings.

Done at Berlin the 29th March, in the year 1890, in one copy, which will be deposited among the archives of the Imperial German Government, and of which a certified copy will be delivered, through the diplomatic channel, to each Government represented at the Conference.

(Signed) Baron DE BERLEPSCH.
MAGDEBURG.
G. KOPP.
REICHARDT.
LOHMANN.
HAUCHECORNE.
LANDMANN.
Baron HEYL DE HERRNSHEIM.
ED. KOECHLIN.
WEIGELSPERG.
Dr. MIGERKA.
PLAPPART.
Dr. HABERER.
SCHNIERER.
GRAENZENSTEIN.
SZTERÉNYI, JOSEPH.
GREINDL.
V. JACOBS.
ÉMILE HARZÉ.
Baron A. T'KINT DE ROODENBEKE.
C. F. TIETGEN.
HALDOR TOPSÖE.
LUDVIG BRAMSEN.
MANUEL FERN. DE CASTRO.
Vte. SANTAMARIA DE PAREDES.
JULES SIMON.
H. TOLAIN.
A. BURDEAU.
LINDER.
V. DELAHAYE.
JOHN E. GORST.
CHARLES S. SCOTT.
W. H. HOULDSWORTH.

(Signed) DAVID DALE.
G. BOCCARDO.
V. ELLENA.
L. BODIO.
A. BRASSEUR.
JONKHEER F. P. VAN DER HOEVEN.
SNYDER VAN WISSENKERKE.
H. W. E. STRUVE.
Marquis DE PENAFIEL.
ERNESTO MADEIRA PINTO.
J. P. OLIVEIRA MARTINS.
WILHELM DE THAM.
E. CHRISTIE.
E. BLUMER.
DR. KAUFMANN.

True copy:
(Signed) DR. KAYSER.
DR. FURST.
ALFRED DUMAINE.
Comte D'ARCO VALLEY.

No. 27.

*The Marquis of Salisbury to Sir J. Gorst, M.P.**

Sir, *Foreign Office, May* 3, 1890.

I HAVE to convey to you the approval of Her Majesty's Government of your proceedings at the recent Labour Conference at Berlin, and their appreciation of the important and valuable services rendered by you as one of Her Majesty's Plenipotentiaries on that occasion.

I am, &c.
(Signed) SALISBURY.

No. 28.

The Marquis of Salisbury to Mr. Burt, M.P.†

Sir, *Foreign Office, May* 3, 1890.

I HAVE to convey to you the approval of Her Majesty's Government of your proceedings at the recent Labour Conference at Berlin, and their appreciation of the important and valuable services rendered by you as one of their Delegates on that occasion.

I am, &c.
(Signed) SALISBURY.

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* Also to Mr. Scott, Sir W. Houldsworth, M.P., and Mr. D. Dale.
† Also to Mr. Whymper, Mr. Burnett, and Mr. Birtwistle.

Appendix.

PAPER HANDED IN BY THE PRESIDENT AT THE SITTING OF MARCH 17. (*See Protocol No. 2.*)

Tableaux de la Législation des États représentés à la Conférence Internationale en ce qui concerne le réglement du Travail du Dimanche ainsi que du Travail des Enfants et des Femmes; par Th. Lohmann, Conseiller Intime Supérieur de Régence.

[Traduction Française faite et réservée à l'usage des Membres de la Conférence.]

I. Allemagne.
II. Autriche.
III. Hongrie.
IV. Belgique.
V. Danemark.
VI. Espagne.
VII. France.
VIII. Grande-Bretagne.
IX. Italie.
X. Luxembourg.
XI. Pays-Bas.
XII. Suède.
XIII. Norvège.
XIV. Suisse.

ÉTENDUE DU DOMAINE DE LA LÉGISLATION.

I. ALLEMAGNE.—*Loi sur l'Industrie* ("*Gewerbeordnung*"), *Texte du* 1er *Juillet*, 1883.

LE travail dans les fabriques et les établissements assimilés, savoir :—
1. Ateliers où il est fait régulièrement emploi de la vapeur;
2. Usines, chantiers de construction et de carénage;
3. Mines, salines, fonderies, carrières, et fosses exploitées souterrainement.

II. AUTRICHE.—*Loi du* 8 *Mars*, 1885.

Tous les travaux industriels et spécialement les entreprises industrielles exploitées dans les fabriques.

III. HONGRIE.—*Loi du* 21 *Mai*, 1884, *sur l'Industrie.*

Tous les travaux industriels et spécialement le travail dans les fabriques.

IV. BELGIQUE.—*Loi du* 13 *Décembre*, 1889.

Le travail qui s'exécute :—
1. Dans les mines, minières, carrières, chantiers;
2. Dans les usines, manufactures, fabriques;
3. Dans les établissements classés comme dangereux, insalubres ou incommodes ainsi que dans ceux où le travail se fait à l'aide de chaudières à vapeur ou de moteurs mécaniques;
4. Dans les ports, débarcadères, stations.

V. DANEMARK.—*Loi du* 23 *Mai*, 1873.

Le travail dans les fabriques et dans les usines et ateliers assimilés aux fabriques.

VI. ESPAGNE.—*Loi du* 24 *Juillet*, 1873. *Loi du* 21 *Juillet*, 1878.

Le travail dans les fabriques.

VII. FRANCE.—*Loi du* 9 *Mai*, 1874.

Le travail industriel dans les manufactures, fabriques, usines, mines, chantiers, et ateliers.

VIII. GRANDE-BRETAGNE.—*Loi de* 1878 *sur le Travail des Personnes employées dans l'Industrie.*

Le travail dans tous les établissements industriels qui s'occupent à fabriquer ou à façonner des articles ou des parties d'articles de commerce.

La Loi distingue entre les filatures, les autres fabriques et manufactures et les établissements industriels installés dans un local privé où l'on n'emploie aucun moteur mécanique et servant d'habitation aux membres d'une même famille qui seuls sont admis au travail.

IX. ITALIE.—*Loi du* 11 *Février*, 1886.

Le travail dans les ateliers industriels, dans les carrières et dans les mines.

X. LUXEMBOURG.—*Loi du* 6 *Décembre*, 1876.

Le travail dans les fabriques et mines.

XI. PAYS-BAS.—*Loi du* 5 *Mai*, 1889.

Les travaux de toute sorte d'industrie à l'exception:—

1. De l'agriculture, de l'horticulture, de la culture des forêts, de l'élevage du bétail et de sa culture des marais;

2. Des travaux exécutés hors des fabriques et manufactures au bénéfice de l'industrie exercée par le patron chez lequel habite l'ouvrier—en tant que ces travaux se font habituellement à domicile et hors des ateliers.

La Loi s'occupe spécialement de la réglementation du travail dans les fabriques et manufactures.

XII. SUÈDE.—*Ordonnance du* 18 *Novembre*, 1881.

Le travail dans les fabriques et manufactures.

XIII. NORVÈGE.

Jusqu'à présent il n'existe pas de Loi qui règle le travail industriel en général. Ce n'est que sur le travail dans les boulangeries qu'une Loi du 17 Juin, 1887, a statué des dispositions.

XIV. SUISSE.—*Loi du* 23 *Mars*, 1877.

Le travail dans les fabriques, c'est-à-dire dans tout établissement industriel où un nombre plus ou moins considérable d'ouvriers sont occupés simultanément et régulièrement, hors de leur domicile et dans un local fermé.

En cas de doute le Conseil Fédéral prononce en dernier ressort.

TRAVAIL DU DIMANCHE.

I. ALLEMAGNE.

La législation de l'Empire ne contient que les dispositions suivantes:—

1. Les industriels ne peuvent pas imposer à leurs ouvriers l'obligation de travailler les Dimanches et les jours fériés.

Les travaux qui en raison de la nature de l'industrie ne comportent ni ajournement ni interruption, sont exceptés de cette disposition.

2. Il est défendu de faire travailler les jeunes ouvriers, c'est-à-dire les enfants de 12 à 14 ans et les jeunes gens de 14 à 16 ans, les Dimanches et jours fériés.

Exceptions:—

(*a.*) Le Bundesrath peut admettre des exceptions à l'égard des fabriques—
dont l'exploitation exige le feu continu;
dont les travaux ne souffrent pas d'interruption ni pendant le jour ni pendant la nuit;
dont l'exploitation n'admet pas la division en journées régulières;
qui par leur nature ne peuvent être exploitées qu'à certaines époques de l'année.

(*b.*) Lorsque l'exploitation aura été interrompue par un cas de force majeure ou à la suite d'un sinistre des exceptions pourront être admises—
par la police locale, lorsqu'il s'agira d'un laps de temps de quinze jours;
par l'autorité administrative supérieure, lorsqu'il s'agira d'un laps de temps de quatre semaines;
par le Chancelier, lorsque l'interruption dépassera quatre semaines.

A côté de la législation de l'Empire il existe, pour tous les États Fédérés, des dispositions particulières, qui s'occupent du repos dominical et qui défendent le travail industriel, les Dimanches et jours fériés, soit pendant la journée entière, soit pendant certaines heures de la journée. Quelques-unes de ces dispositions ne défendent le travail qu'autant qu'il serait de nature à troubler la tranquillité publique; toutes ces dispositions admettent la possibilité des cas d'exception.

II. AUTRICHE.—*Loi du* 8 *Mars*, 1885.

La Loi interdit le travail industriel les Dimanches et jours fériés, sauf les travaux de nettoyage et de maintien en bon état des établissements.

Le Ministre du Commerce a la faculté d'admettre des exceptions pour les industries qui ne souffrent pas d'interruption, soit:—

1. Par leur nature;
2. A cause des besoins de la vie journalière;
3. Pour raison d'utilité publique.

III. Hongrie.

Le patron est tenu de donner à ses apprentis, aides et ouvriers, le temps nécessaire pour qu'ils puissent, aux jours de fête de leur religion, assister au service Divin.

IV. Belgique.—*Loi du* 13 *Déeembre,* 1889.

Les personnes qui sont placées sous la protection de la Loi, c'est-à-dire les enfants et les adolescents de moins de 16 ans, ainsi que les filles ou les femmes âgées de plus de 16 ans et de moins de 21 ans, ne peuvent être employées au travail pendant plus de six jours par semaine.

Des exceptions à cette interdiction peuvent être admises, par une Ordonnance Royale—soit habituellement, soit pour un certain temps, soit conditionnellement—à l'égard des ouvriers des deux sexes, qui ont dépassé l'âge de 14 ans.

V. Danemark.—*Loi du* 23 *Mai,* 1873.

Dans les fabriques et dans les ouvroirs ou ateliers où le travail est fait à la manière des fabriques, il est interdit d'employer au travail les enfants âgés de moins de 14 ans les Dimanches et jours de fête de l'Église Nationale.

Le Ministre de l'Intérieur peut dispenser de l'application de cette disposition, lorsqu'il le juge indiquée dans l'intérêt de l'exploitation d'une fabrique ou d'un atelier ou de certaines catégories de fabriques ou d'ateliers, soit parce que le travail y dépend du temps ou d'une certaine saison, soit à cause de la manière d'exploitation ou pour d'autres raisons pareilles.

VI. Espagne.

La législation ne contient aucune disposition concernant le travail du Dimanche.

VII. France.

L'emploi des enfants au-dessous de 16 ans et des femmes et filles au-dessous de 21 ans est interdit les Dimanches et jours fériés.

Dans les usines à feu continu les enfants peuvent être employés la nuit ou les Dimanches et jours fériés aux travaux déterminés par les Règlements d'Administration Publique.

VIII. Grande-Bretagne.—"*The Factory and Workshops' Act,* 1878."

La loi interdit d'employer dans les fabribues et ateliers les personnes favorisées les Dimanches, le jour de Noël et le Vendredi-Saint. La catégorie de personnes favorisées comprend: les enfants, les adolescents âgés de moins de 18 ans, et les femmes sans distinction d'âge.

Il reste en vigueur en outre l'interdiction du travail du Dimanche statuée par le droit commun, spécialement par la Loi de Charles I, publiée en 1649, qui interdit tous les travaux de la vie quotidienne sauf les cas de nécessité absolue et les œuvres de charité. Des exceptions admises par des Lois ultérieures se rapportent surtout aux métiers de transport.

Une autre Loi (34 & 35 Vict.) statue qu'une enquête judiciaire pour contravention aux Lois relatives au travail du Dimanche ne peut être ouverte qu'avec l'autorisation de la police supérieure de l'arrondissement ou de deux Magistrats ou d'un Juge de la Magistrature.

XI. Italie.—*Loi du* 11 *Février,* 1886. *Décret du même jour.*

Le travail du Dimanche n'est interdit ni par la Loi ni par le Décret.

X. Luxembourg.

La législation ne contient pas de dispositions en ce qui concerne le travail du Dimanche.

XI. Pays-Bas.

Il est défendu de faire travailler le Dimanche, dans les ateliers et les fabriques, les enfants et les adolescents de moins de 16 ans et les femmes.

Exceptions:

Par une Ordonnance Royale le travail de jeunes gens de 14 à 16 ans peut être admis pour certaines industries jusqu'à 6 heures du matin au plus. Le Maire peut accorder aux patrons d'employer, pour un Dimanche, le cas échéant, quelques jeunes gens de moins de 16 ans, dont le travail est nécessaire au nettoyage et maintien en bon état d'une chaudière indispensable à l'exploitation.

XII. Suède.

L'Ordonnance du 18 Novembre, 1881, ne s'occupe pas du travail des Dimanches et jours fériés. (Mais le Code Pénal Suédois interdit d'exercer un métier le Dimanche et jours fériés et de se livrer ces jours-là à un travail qui peut être remis à un autre moment, à moins cependant qu'on y soit forcé pour pourvoir à sa propre existence ou à celle d'autrui.)

XIII. Norvège.

Le travail du Dimanche est interdit par le Code Pénal.

XIV. Suisse.—*Loi Fédérale du 23 Mars, 1877.*

Le travail du Dimanche est interdit dans les fabriques sauf le cas de nécessité absolue.

Exceptions :—

Les fabriques qui exigent un travail continu et qui ont obtenu une autorisation spéciale du Conseil Fédéral.

Les femmes ne peuvent, en aucun cas, être employées le Dimanche.

Le Conseil Fédéral a statué en outre que l'autorisation spéciale en question ne sera pas accordée à l'égard des jeunes gens âgés de moins de 18 ans.

Dans les fabriques qui ont obtenu l'autorisation du travail du Dimanche les ouvriers doivent avoir un Dimanche libre sur deux.

TRAVAIL DES ENFANTS ET ADOLESCENTS.

I. Allemagne.

(*a.*) Les enfants au-dessous de 12 ans ne peuvent pas être employés dans les fabriques.

(*b.*) Restrictions à l'égard des enfants de 12 à 14 ans :—

1. Les enfants tenus à fréquenter l'école ne peuvent être employés dans les manufactures à moins qu'il ne soit pourvu à leur instruction régulière pendant trois heures par jour.
2. Ils ne peuvent être employés plus de six heures par jour.
3. Des suspensions de travail régulières d'une demi-heure au moins doivent leur être accordées ; pendant ces intervalles de repos ils ne peuvent séjourner dans les ateliers à moins que les travaux auxquels ils sont employés ne soient complètement arrêtés.
4. Le travail de nuit, c'est-à-dire entre 8 heures et demie du soir et 5 heures et demie du matin, est interdit.
5. Il est interdit d'employer les jeunes gens les Dimanches et jours de fêtes, ainsi qu'aux heures fixées par les Ministres des Cultes pour le catéchisme et pour l'instruction préparatoire à la Confirmation, à la Confession, et à la Communion.

(*c.*) Restrictions à l'égard des adolescents de 14 à 16 ans :—

1. Ils ne peuvent être employés plus de dix heures par jour.
2. Le temps de repos doit être d'une demi-heure le matin, d'une heure au moins à midi, et d'une demi-heure l'après-midi.
3. L'emploi au travail de nuit est interdit.
4. Le travail est également interdit les Dimanches et jours fériés.

(*d.*) Exceptions :—

1. Si un événement ou accident quelconque a interrompu la marche régulière d'une fabrique, une prolongation de la durée du travail journalier peut être accordée sur demande spéciale pour un délai de quinze jours par la police locale, de quatre semaines par l'Administration Supérieure, et par le Chancelier de l'Empire pour un délai plus long.
2. Quand la nature des industries ou l'intérêt des ouvriers rend utiles des changements aux dispositions de la Loi concernant les intervalles de repos et le travail de nuit et du Dimanche, des modifications peuvent être accordées, sur une demande spéciale. En ce qui concerne les intervalles de repos ces modifications sont accordées par l'autorité supérieure administrative, et en ce qui concerne les autres points par le Chancelier de l'Empire.
3. Une Résolution du Conseil Fédéral peut autoriser des exceptions aux dispositions de la Loi concernant la durée du travail journalier, les intervalles de repos et le travail de nuit et du Dimanche—

pour les fabriques à feu continu ou dans lesquelles le travail a lieu de jour et de nuit ;
pour celles où le travail ne peut être divisé en tâches d'égale durée, ou qui, par leur nature ne sont en activité que pendant certaines saisons ;
pour les filatures.

En aucun cas la somme totale du travail hebdomadaire ne peut être augmentée. Ce n'est que dans les filatures qu'à l'égard des jeunes gens une durée de soixante-six heures de travail par semaine peut être accordée.

4. Une Résolution du Conseil Fédéral peut interdire absolument ou ne permettre que sous des conditions spéciales l'emploi d'enfants ou de jeunes ouvriers dans certaines branches d'industrie offrant des dangers particuliers pour la santé ou la moralité.

II. Autriche.

(*a.*) Les enfants au-dessous de 12 ans ne peuvent être employés à aucun travail industriel.

Les enfants qui n'ont pas accompli leur 14e année ne doivent être employés à des travaux industriels dans les entreprises exploitées dans les fabriques.

(*b.*) Restrictions dans l'emploi des enfants au-dessous de 14 ans à des travaux industriels en dehors des fabriques :—

1. La durée du travail ne doit pas dépasser huit heures par jour et ne doit pas mettre obstacle à l'accomplissement du devoir scolaire prescrit par la loi.
2. Ils ne peuvent être employés à des travaux de nuit, c'est-à-dire entre 8 heures du soir et 5 heures du matin.

(*c.*) Restrictions dans l'emploi des jeunes ouvriers entre leur 14e et 16e année accomplie dans les entreprises industrielles exploitées dans les fabriques :—

1. Ils ne peuvent être employés qui si le travail n'est pas préjudiciable à la santé.

2. La durée du travail des jeunes ouvriers comme celui des autres ouvriers ne doit pas dépasser 11 heures par jour.

3. Il doit leur être accordé comme aux autres ouvriers des intervalles de repos. La durée de ces intervalles ne peut pas être inférieure à une heure et demie par jour.

4. Il est interdit d'employer les jeunes ouvriers à des travaux de nuit.

5. Le travail du Dimanche est interdit aux adolescents comme aux autres ouvriers.

(*d.*) Dispenses de l'application de la loi :—

1. Une prolongation temporaire du temps de travail peut être accordée, mais pour trois semaines au plus, par l'Autorité Industrielle de première instance, si des événements naturels ou des accidents ont interrompu l'exploitation régulière ; au delà de ce délai l'autorisation ne peut être accordée que par l'autorité politique.

2. Le Ministre du Commerce peut désigner par voie d'Ordonnance les catégories d'industrie pour lesquelles, à raison de nécessités spéciales dont la justification devra être faite, une prolongation du temps de travail d'une heure par jour pourra être accordée.

Pour les industries auxquelles l'exploitation continue a été concédée le temps de travail et le changement alternatif des brigades de travailleurs doivent être réglés.

3. Le Ministre du Commerce peut également désigner par voie d'Ordonnance les catégories industrielles dans lesquelles, en raison de la nature de l'industrie, l'interruption du travail est impraticable ou qui exigent, par suite des nécessités de l'exploitation, le travail par brigades et l'emploi de jeunes ouvriers.

4. Le Ministre du Commerce est autorisé à désigner par voie d'Ordonnance les travaux industriels qui sont dangereux ou nuisibles à la santé et auxquels les jeunes ouvriers ne peuvent pas être employés ou seulement à certaines conditions.

III. Hongrie.

(*a.*) Les enfants âgés de moins de 10 ans ne peuvent pas travailler dans les fabriques. Les enfants qui n'ont pas achevé leur 12e année ne peuvent être reçus apprentis.

Les enfants âgés de plus de 10 ans mais de moins de 12 ans ne peuvent travailler dans les fabriques qu'avec l'autorisation de l'Autorité Industrielle et si la fréquentation régulière de l'école peut se concilier avec le travail ou s'il est pourvu à l'instruction par une école spéciale.

(*b.*) Restrictions à l'égard des enfants entre 12 et 16 ans :—

1. Les enfants ne peuvent travailler que pendant huit heures par jour, les apprentis pendant dix heures.

2. Il doit leur être accordé comme aux autres ouvriers un repos d'une demi-heure dans la matinée et dans l'après-midi et à midi un repos d'une heure.

3. Le travail de nuit, c'est-à-dire entre 9 heures du soir et 5 heures du matin, est interdit.

(*c.*) Restrictions à l'égard des adolescents entre 14 et 16 ans :—

1. Ils ne peuvent travailler que pendant dix heures par jour, les apprentis pendant douze heures.

2. Pour les heures de repos les dispositions de l'Article (*b*) 2 s'appliquent aussi aux adolescents.

3. Le travail de nuit leur est interdit.

(*d.*) Exceptions :—

1. En ce qui concerne les industries dont l'exercice subirait une perturbation si le travail ne continuait pas pendant la nuit, l'Autorité Industrielle peut autoriser les adolescents âgés de plus de 14 ans à consacrer au travail de nuit la moitié des heures de travail fixées par la Loi.

2. Dans les fabriques spéciales aux industries qui ont été déclarées insalubres ou dangereuses par une Ordonnance du Ministre du Commerce les enfants et les adolescents ne peuvent travailler que dans la mesure et sous les conditions fixées par le dit Ministre.

IV. Belgique.

(*a.*) Il est interdit d'employer au travail les enfants âgés de moins de 12 ans.

(*b.*) et (*c.*) Restrictions à l'égard des enfants et adolescents âgés de plus de 12 ans et de moins de 16 ans :—

(La distinction entre les enfants au-dessous de 14 ans et ceux entre 14 et 16 ans n'a lieu que dans certains cas exceptionnels. Voir les paragraphes 3 et 4).

1. Ils ne peuvent être employés au travail plus de douze heures par jour.

2. Les heures de travail doivent être divisées par des repos, dont la durée totale n'est pas inférieure à une heure et demie.

3. Ils ne peuvent être employés au travail de nuit, c'est-à-dire entre 9 heures du soir et 5 heures du matin.

4. Ils ne peuvent être employés au travail plus de six jours par semaine.

(*d.*) Exceptions :—

1. L'autorisation à l'emploi au travail de nuit peut être accordée pour un temps déterminé par les Gouverneurs en cas de chômage résultant de force majeure ou dans des circonstances exceptionnelles.

2. En cas de force majeure les inspecteurs, les Bourgmestres, et les Gouverneurs peuvent autoriser l'emploi un septième jour. Cette autorisation peut être donnée, pour six semaines consécutives, par le Ministre.

3. Le Roi peut autoriser l'emploi habituel après 9 heures du soir et avant 5 heures du matin :
(*a.*) à des travaux qui, à raison de leur nature, ne peuvent être interrompus ou retardés ou ne peuvent s'effectuer qu'à des heures déterminées ;
(*b.*) à des travaux des mines.

4. Le Roi peut également autoriser l'emploi des adolescents de plus de 16 ans pendant sept jours à l'égard des industries dans lesquelles le travail, à raison de sa nature, ne souffre ni interruption, ni retard.

Toutefois il faut qu'il leur soit assuré un jour de repos sur quatorze.

5. Dans le délai de trois ans (à partir du 13 Décembre, 1889), le Roi réglera la durée du travail journalier et les conditions du repos des métiers d'après la nature des occupations et d'après les nécessités des industries.

6. Le Roi peut interdire l'emploi des personnes âgées de moins de 16 ans à des travaux excédant leurs forces.

7. Le Roi peut également interdire ou n'autoriser que pour un certain nombre d'heures par jour ou sous certaines conditions l'emploi à des travaux reconnus insalubres.

V. Danemark.

(*a.*) Les enfants au-dessous de 10 ans ne peuvent travailler dans les fabriques.

(*b.*) Restrictions à l'égard des enfants de 10 à 16 ans :—

1. Les enfants doivent être munis d'un certificat officiel d'aptitude physique
2. L'emploi des enfants qui ont à fréquenter l'école primaire est interdit pendant les heures de leçons et pendant l'heure qui les précède.
3. Ils ne peuvent pas être employés plus de dix heures et demie par jour y compris une demi-heure de repos.
4. Le travail de nuit, c'est-à-dire de 8 heures du soir à 6 heures du matin, leur est interdit.
5. Le travail du Dimanche et des jours fériés reconnus leur est interdit.

(*c.*) Restrictions à l'égard des jeunes ouvriers de 16 à 18 ans :—

1. Ils ne peuvent pas être employés plus de douze heures par jour.
2. Entre 8 heures du matin et 6 heures du soir ils ont deux heures de repos dont une heure et demie avant 3 heures de l'après-midi.
3. Le travail de nuit entre 9 heures du soir et 5 heures du matin est interdit.

Observations relatives aux paragraphes (*b*) et (*c*).

Les enfants et les adolescents du sexe féminin doivent être séparées des ouvriers tant pendant le travail que pendant les heures de repos autant que la nature du travail et du local le permet.

(*d.*) Exceptions :—

1. Le Ministre de l'Intérieur peut autoriser des dérogations aux prescriptions de la loi en raison des nécessités résultant du temps ou de la saison ou de la nature de l'industrie ou d'autres circonstances importantes.
2. Le Ministre de l'Intérieur peut déterminer les limites d'âge pour certaines industries insalubres ou excédant les forces des enfants et adolescents des deux sexes.

VI. Espagne.

(*a.*) Sont exclus du travail les enfants au-dessous de 10 ans.

(*b.*) Restrictions à l'égard des garçons de 10 à 13 ans et des filles de 10 à 14 ans :—

1. La journée de travail ne doit pas dépasser cinq heures.
2. Le travail de nuit est interdit.

(*c.*) Restrictions en faveur des garçons de 13 à 15 ans et des filles de 14 à 18 ans :—

1. La journée de travail ne doit pas dépasser huit heures.
2. Le travail de nuit est interdit.

VII. France.—*Loi du 2 Juin*, 1874.

Les enfants âgés de moins de 16 ans et les filles âgées de moins de 21 ans ne peuvent être employés à aucun tiavail, par leurs patrons, les Dimanches dans les manufactures, fabriques, usines, mines, chantiers, et ateliers.

Dans les usines à feu continu les enfants pourront être employés les Dimanches et jours fériés aux travaux indispensables conformément aux Règlements d'Administration Publique.

(*a.*) Les enfants ne peuvent être employés à aucun travail avant l'âge de 10 ans révolus.

(*b.*) Restrictions à l'égard des enfants depuis le commencement de leur 11e année jusqu'à 12 ans révolus :—

1. Nul enfant ne peut être employé qu'autant qu'il soit justifié qu'il fréquente actuellement une école publique ou privée.
2. Les enfants de cet âge ne pourront être employés que dans les industries spécialement déterminées par un Règlement d'Administration Publique (filatures de tous genres, retorderies, imprimeries sur étoffes, industrie des papiers, verreries et autres.
3. Les enfants ne pourront être assujettis à une durée de travail de plus de six heures par jour.
4. Les heures de travail doivent être divisées par un repos.
5. Les enfants ne peuvent être employés à aucun travail de nuit.

Tout travail entre 9 heures du soir et 5 heures de matin est considéré comme travail de nuit.

6. Ils ne peuvent être employés à aucun travail les Dimanches et fêtes reconnues.

(*c.*) Restrictions à l'égard des enfants depuis le commencement de la 13e année jusqu'à 14 ans révolus :—

1. Ils ne peuvent être employés plus de douze heures par jour.

Avant l'âge de 15 ans accomplis aucun enfant ne pourra être admis à travailler plus de six heures à moins qu'il ne soit justifié qu'il a acquis l'instruction primaire élémentaire.

2. Les heures de travail doivent être divisées par des intervalles de repos.

3. Ils ne peuvent être employés à aucun travail de nuit.

4. Ils ne peuvent également être employés à aucun travail les Dimanches et fêtes reconnues.

5. Le travail des enfants dans les galeries souterraines n'est admis que sous les conditions spéciales déterminées par des Règlements d'Administration Publique.

(*d.*) Exceptions :—

1. Dans les usines à feu continu les enfants peuvent être employés la nuit ou les Dimanches et jours fériés aux travaux déterminés par des Règlements d'Administration Publique.

2. Des Règlements d'Administration Publique déterminent les différents genres de travaux présentant des causes de danger ou excédant leurs forces qui sont interdits aux enfants.

3. Les enfants ne peuvent être employés dans les fabriques et ateliers indiqués au Tableau officiel des établissements insalubres ou dangereux que sous les conditions spéciales déterminées par un Règlement d'Administration Publique.

VIII. Grande-Bretagne.

(*a.*) Les enfants ne peuvent être employés avant l'âge de 10 ans révolus.

(*b.*) Restrictions à l'égard des enfants. Comme enfants sont considérées les personnes entre 10 et 13 ans et celles entre 13 et 14, qui n'ont pas encore obtenu un degré moyen d'instruction.

1. Les enfants ne peuvent être employés qu'à la condition qu'ils suivent les classes d'une école reconnue.

2. Les enfants ne peuvent être employés qu'aux mêmes heures du jour et avec les mêmes interruptions de repos que les adolescents en conformité du paragraphe 6, de sorte qu'ils ne sont employés qu'une demi-journée chaque jour ou de deux jours l'un et que la durée du travail par semaine n'arrive qu'à la moitié du travail des adolescents.

3. Ils ne peuvent être employés la nuit.

4. Ils ne peuvent être employés les Dimanches, le jour de Noël, et le Vendredi-Saint.

5. Les patrons sont tenus de leur accorder huit demi-journées de congé par an.

(*c.*) Restrictions à l'égard des adolescents :—

Comme adolescents sont considérées les personnes de 14 à 18 ans et celles entre 13 et 14 qui ont obtenu un degré moyen d'instruction.

1. La journée de travail est comprise entre 6 heures du matin et 6 heures du soir, ou entre 7 heures du matin et 7 heures du soir.

Le temps du repos est pris sur la durée de la journée de travail ; il est de deux heures dans les filatures et d'une heure et demie dans les autres fabriques et manufactures.

Dans les établissements industriels installés dans un local privé servant à l'habitation la journée de travail peut commencer à 6 heures du matin et finir à 9 heures du soir et, le Samedi, à 4 heures de l'après-midi. Tant pour les repas que pour les sorties les adolescents ont au moins quatre heures et demie chaque jour et le Samedi deux heures et demie.

2. Le Samedi le travail dans les filatures commence ou à 6 heures du matin et cesse à midi et demi, ou bien il commence à 7 heures du matin et finit à 1 heure et demie de l'après-midi.

Dans les autres fabriques et manufactures le travail du Samedi commence à 6 heures du matin et cesse à 1 heure de l'après-midi, ou bien il commence à 7 heures du matin et cesse à 2 heures de l'après-midi.

Il en résulte une durée de travail par semaine de cinquante-six heures dans les filatures et de soixante heures dans les autres fabriques et manufactures.

3. Le travail de nuit est interdit.

4. Le travail du Dimanche, du jour de Noël, et du Vendredi-Saint est également interdit.

5. Les patrons sont tenus d'accorder huit demi-journées de congé par an.

(*d.*) Exceptions :—

1. Dans certains établissements désignés dans la Loi les adolescents peuvent travailler entre 8 heures du matin et 8 heures du soir et dans d'autres établissements entre 9 heures du matin et 9 heures du soir en vertu d'une autorisation du Secrétaire d'État.

2. Dans certains établissements désignés dans la Loi et dans d'autres en vertu d'une autorisation du Secrétaire d'État les adolescents peuvent être retenus pendant trente minutes au plus, lorsque l'opération à laquelle ils ont travaillé se trouve inachevée à la fin du temps légal du travail de ces personnes.

Ils peuvent, sous les mêmes conditions, être retenus une heure dans les usines à moteurs hydrauliques lorsque ces derniers sont arrêtés par sécheresse ou inondation. Cette autorisation ne s'étend pas à plus de quatre-vingt-seize jours par an dans les cas de sécheresse, ni à plus de quarante-huit jours par an pour les cas d'inondation.

3. Dans certaines fabriques et manufactures, savoir :

(*a.*) Celles où l'article de fabrication est exposé à la détérioration par suite du temps ;

(*b.*) Celles qui sont éprouvées périodiquement par une surcharge de travail ;

(*c.*) Celles qui sont exposées à la suite d'événements imprévus à un encombrement de commandes.

Les adolescents peuvent travailler pendant quatorze heures à condition qu'il leur soit accordé entre ces mêmes heures deux heures de repos et que le nombre des journées de travail faites dans ces conditions ne dépasse pas cinq par semaine ni quarante-huit par an.

Les fabriques ou manufactures dont il s'agit sont désignées dans la Loi ou doivent être désignées par un Arrêté du Secrétaire d'État.

4. Dans les hauts-fourneaux, forges, papeteries, et imprimeries typographiques les garçons adolescents peuvent travailler de nuit à condition d'un changement régulier des brigades de jour et de nuit et que l'adolescent ne travaille pas plus de six nuits ou, dans les hauts-fourneaux et les papeteries plus de sept nuits par deux semaines.

5. Le Secrétaire d'État peut étendre la faculté d'employer dans les mêmes conditions les garçons adolescents aux établissements autres que les filatures s'il est démontré que le travail de nuit et des adolescents est indispensable par la nature de l'exploitation et ne porte pas préjudice à la santé des jeunes gens.

6. Dans les établissements où des journaux s'impriment de nuit deux fois au plus par semaine les garçons adolescents de plus de 16 ans pourront travailler de nuit deux fois au plus par semaine.

7. Dans les verreries, les garçons adolescents peuvent travailler aux heures fixées par le régime de l'établissement sous la condition que le nombre total des heures de travail ne dépasse pas soixante par semaine et que les adolescents qui ont travaillé un tour ne puissent reprendre le travail qu'après un intervalle de temps au moins égal à la durée d'un tour.

IX. Italie.

(*a.*) Il est défendu d'admettre au travail les enfants qui n'ont pas encore atteint l'âge de 9 ans, ou de 10 lorsqu'il s'agit d'occupations dans des lieux souterrains.

(*b.*) Restrictions à l'égard des enfants entre 9 et 12 ans :—

1. Les enfants ne peuvent être admis à moins qu'il ne résulte d'un certificat d'un médecin délégué à cet effet par le Conseil de Santé de l'arrondissement que l'enfant est bien portant et apte à se livrer au travail auquel il est destiné.

2. Ils ne pourront être astreints qu'à une journée de huit heures de travail.

3. Les heures de travail doivent être divisées par une heure de repos.

4. Le travail de nuit est interdit.

(*c.*) Restrictions à l'égard des adolescents de 12 à 15 ans :—

1. Ne sont admis que les adolescents qui ont obtenu le certificat déterminé par l'article (*b*) 1.

2. Le travail de nuit n'est permis que pour une durée de six heures.

(*d.*) Exceptions :—

1. En ce qui concerne les industries qui pour des raisons techniques ou économiques subiraient une perturbation si le travail était interrompu pendant la nuit, le Ministre du Commerce peut autoriser le travail de nuit pour les enfants au-dessous de 12 ans.

Ce travail ne peut pas dépasser la durée de six heures.

2. Les enfants qui n'ont point achevé leur 15e année ne peuvent être employés aux travaux dangereux ou insalubres que dans les limites et avec les précautions déterminées par un Décret Royal.

X. Luxembourg.

(*a.*) Sont exclus du travail industriel les enfants au-dessous de 12 ans.

(*b.*) et (*c.*) Restrictions à l'égard des enfants de 12 à 14 ans :—

1. Avant 16 ans, les garçons ne peuvent être employés la nuit dans les mines.

2. Le Gouvernement pourra fixer le maximum des heures de travail des enfants et adolescents de moins de 16 ans.

(*d.*) Cas spéciaux :—

Il est réservé au Gouvernement le droit d'interdire, aux enfants qui n'ont pas atteint l'âge de 16 ans, le travail dans des établissements dangereux ou insalubres,

XI. Pays-Bas.

(*a.*) Sont exclus de tout travail les enfants au-dessous de 12 ans.

(*b.*) Restrictions pour les personnes âgées de 12 à 16 ans (sans distinction entre enfants et adolescents) :—

1. La journée de travail ne peut dépasser 11 heures ;

2. Le travail doit être coupé par un intervalle de repos d'une heure entre 11 heures du matin et 3 heures de l'après-midi ;

3. Le travail de nuit, c'est-à-dire de 7 heures du soir à 6 heures du matin, est interdit ;

4. Le travail du Dimanche est interdit.

(*c.*) Cas spéciaux:—

(*a.*) Une Ordonnance du Roi spécifie et réglemente les industries interdites comme insalubres ou dangereuses aux personnes âgées de moins de 16 ans;

(*b.*) des exceptions à l'interdiction du travail de nuit peuvent être admises:—

par Ordonnance Royale pour certaines industries sous condition que la journée de travail ne dure pas plus de onze heures; elle ne peut commencer à l'égard des enfants au-dessous de 14 ans avant 5 heures du matin et ne peut s'étendre au delà de 10 heures du soir;

par le Commissaire Royal dans la province en faveur de certaines fabriques et ateliers pendant six jours consécutifs au plus sous la condition que la journée de travail ne dépasse pas treize heures;

par le Bourgmestre pour la durée de deux jours.

3. Le Ministre est autorisé à admettre des dispenses en ce qui concerne les intervalles de repos.

4. Dérogations à l'interdiction du travail du Dimanche:—

(*a.*) par Ordonnance Royale il peut être admis à l'égard de certaines industries que les garçons de 14 à 16 ans travaillent le Dimanche jusqu'à 6 heures du matin.

(*b.*) Le Bourgmestre peut autoriser le travail des garçons au-dessous de 16 ans pour un seul Dimanche si leur travail est indispensable à la fabrication ou au nettoyage d'une chaudière à vapeur.

XII. Suède.

(*a.*) Sont exclus de tout travail les enfants au-dessous de 12 ans, n'ayant pas encore subi les examens de sortie de l'école primaire et manquant de santé et de force nécessaires pour se livrer au travail.

(*b.*) Restrictions pour les enfants au-dessous de 14 ans:—

1. Les enfants employés dans les fabriques, usines, ou manufactures doivent suivre les cours d'école prescrits par la loi.

2. La journée de travail dans les fabriques ne peut dépasser six heures.

3. Le travail doit être coupé par des intervalles de repos s'élevant ensemble à deux heures et demie.

4. Le travail de nuit, c'est-à-dire de 8 heures du soir à 6 heures du matin, est interdit.

5. Aucune jeune fille au-dessous de 14 ans ne peut être employée au travail souterrain dans les mines et dans les carrières.

(*c.*) Restrictions pour les jeunes gens ayant moins de 18 ans:—

1. Aux individus au-dessous de 15 ans s'applique la règle du paragraphe (*b*) 1.

2. La journée de travail dans les fabriques ne peut dépasser dix heures.

3. Le travail doit être interrompu par des intervalles de repos d'une heure et demie.

4. Le travail de nuit est interdit.

(*d.*) Cas spéciaux:—

1. L'emploi des mineurs dans des métiers particulièrement fatigants ou insalubres est réglé par des dispositions spéciales.

2. Le Conseil d'Hygiène et le Conseil Municipal peuvent suspendre pour quatre semaines par an au plus l'application des dispositions concernant la journée de travail, lorsque les conditions naturelles, le genre de travail ou d'autres circonstances rendent cette mesure nécessaire. Toutefois il est défendu d'admettre les enfants et les jeunes filles au-dessous de 18 ans au travail de nuit.

XIII. Norvège.

L'emploi des enfants au-dessous de 16 ans dans les boulangeries est interdit.

XIV. Suisse.

(*a.*) Les enfants au-dessous de 14 ans ne peuvent être admis au travail.

(*b.*) Restrictions à l'égard des enfants de 14 à 16 ans:—

1. Le temps réservé à l'enseignement scolaire et religieux et celui du travail ne doivent pas excéder onze heures.

Les dispositions concernant les adolescents de 16 à 18 ans (article (*c*)) s'appliquent également xau enfants de 14 à 16 ans.

(*c.*) Restrictions à l'égard des adolescents au-dessous de 18 ans:—

1. La durée du travail d'une journée ne doit pas excéder onze heures pour les adolescents comme pour les autres ouvriers.

2. Aux termes de la disposition applicable à tous les ouvriers sans exception la journée de travail doit être interrompue vers le milieu par un repos d'une heure au moins.

3. Le travail de nuit, c'est-à-dire de 8 heures du soir à 6 heures du matin, et à 5 heures dans les mois de Juin, Juillet, et Août, est interdit.

4. Le travail du Dimanche et des jours fériés reconnus par les Lois des Cantons est interdit.

(*d.*) Exceptions:—

1. Le Conseil Fédéral peut autoriser le travail du Dimanche et de nuit régulier à l'égard d'adolescents du sexe masculin de 14 à 18 ans dans les industries pour lesquelles la nécessité du travail non interrompu a été reconnue, s'il est démontré que l'emploi de jeunes gens est indispensable.

Dans ces cas le Conseil Fédéral fixera pour ces jeunes gens la durée du travail de nuit au-dessous de onze heures ; il les fera alterner et employer successivement et prendra les mesures nécessaires dans l'intérêt de leur santé.

2. Le Conseil Fédéral est autorisé à désigner les branches d'industrie dans lesquelles il est absolument interdit de faire travailler les adolescents au-dessous de 18 ans.

TRAVAIL DES FEMMES.

I. Allemagne.

1. Les femmes ne peuvent être employées pendant les trois semaines qui suivent leurs couches.

2. Les femmes ne peuvent également être employées sous-sol dans les carrières et fosses exploitées souterrainement.

3. Une Résolution du Conseil Fédéral peut interdire absolument ou ne permettre qu'à des conditions spéciales l'emploi d'ouvrières dans certaines branches d'industrie offrant des dangers particuliers pour la santé ou la moralité.

Spécialement il peut être interdit de faire travailler de nuit les ouvrières dans certaines industries.

II. Autriche.

1. La durée du travail des femmes—comme de tous les ouvriers employés dans les fabriques—ne doit pas dépasser onze heures par jour. Il doit leur être accordé des intervalles de repos ; la durée de ces intervalles ne peut pas être inférieure à une heure et demie par jour.

2. Le travail pendant la journée du Dimanche et les jours de fêtes est interdit (en conséquence de la règle générale).

3. Les femmes ne peuvent être employées à des travaux de nuit, c'est-à-dire entre 8 heures du soir et 5 heures du matin.

4. Le travail des femmes dans les mines souterraines est interdit.

5. Les exceptions statuées à l'égard des adolescents sont également appliquées à l'égard des femmes.

III. Hongrie.

La législation ne contient pas de dispositions spéciales concernant le travail des personnes adultes du sexe féminin.

IV. Belgique.

1. Le travail des filles ou des femmes âgées de moins de 21 ans est soumis aux restrictions qui sont en vigueur à l'égard des adolescents de 14 à 16 ans.

2. Les filles et les femmes ne pourront être employées (à partir du 1er Janvier, 1892), dans les travaux souterrains.

3. Les femmes ne peuvent être employées au travail pendant les quatre semaines qui suivent leur accouchement.

V. Danemark.

La loi ne contient pas de dispositions concernant le travail des personnes adultes du sexe féminin.

VI. Espagne.

La législation ne contient pas de dispositions en ce qui concerne le travail des femmes adultes.

VII. France.

1. Le travail nocturne dans les mines et manufactures est interdit aux filles âgées de plus de 16 et de moins de 21 ans.

2. Les filles âgées de plus de 16 et de moins de 21 ans ne peuvent être employées à aucun travail les Dimanches et fêtes reconnues.

3. Les filles et femmes ne peuvent être admises aux travaux souterrains des mines, minières, et carrières.

VIII. Grande-Bretagne.

(*a.*) Dans les fabriques et les ateliers où des femmes sont employées avec des enfants ou des adolescents, les conditions du travail sont, pour elles, les mêmes que pour les adolescents.

(*b.*) Dans les ateliers où ne sont employés ni enfants ni adolescents, les femmes âgées de plus de 18 ans peuvent travailler depuis 6 heures du matin jusqu'à 9 heures du soir, et, le Samedi, jusqu'à 4 heures de l'après-midi. Chaque jour quatre heures et demie et le Samedi deux heures et demie doivent leur être réservées tant pour les repas que pour sortir de l'atelier.

Il en résulte une durée de travail de soixante heures par semaine.

(*c.*) Les établissements industriels installés dans un local privé servant à l'habitation ne sont pas soumis aux restrictions touchant le travail des femmes,

(*d.*) Exceptions :—

1. Les exceptions déterminées à l'égard des enfants et des adolescents dans les paragraphes 1, 2, et 3 peuvent également être admises à l'égard des femmes âgées de plus de 18 ans.

2. L'exception admise à l'égard des jeunes ouvriers par le paragraphe 3 peut être étendue aux femmes, pourvu que le nombre des journées de travail faites dans ces conditions ne dépasse pas quatre-vingt-seize par an ; de plus, dans les fabriques de conserves alimentaires, et de préparation de poisson, de lait, et de fruits.

Le Secrétaire d'État peut étendre cette faculté aux établissements d'un caractère pareil à celui des établissements énumérés ci-dessus.

IX. Italie.

La législation ne contient pas de dispositions en ce qui concerne le travail des personnes adultes du sexe féminin.

X. Luxembourg.

Le travail de nuit des femmes et des jeunes filles est interdit.

XI. Pays-Bas.

Dispositions concernant le travail des femmes de tout âge :—

1. Le travail ne peut dépasser onze heures par jour.
2. La journée de travail doit être coupée par des intervalles de repos d'une heure entre 11 heures du matin et 3 heures de l'après-midi.
3. Le travail de nuit, c'est-à-dire de 7 heures du soir à 5 heures du matin, est interdit.
4. Le travail du Dimanche est interdit.
5. Les femmes ne peuvent être employées au travail pendant les quatre semaines qui suivent leur accouchement.

Cas spéciaux :—

1. Par Ordonnance Royale seront fixés les travaux auxquels les femmes ne doivent pas être employés du tout ou à certaines conditions seulement parce que ces travaux mettent la santé ou la vie en danger.
2. L'interdiction du travail de nuit peut être suspendue :
   (*a.*) Par Ordonnance Royale à l'égard de certaines industries déterminées, à la condition toutefois que les heures de travail ne dépasseront pas le nombre de sept et que les femmes ne seront occupées ni avant 5 heures du matin ni après 10 heures du soir ;
   (*b.*) Par le Commissaire Royal de la province à l'égard de quelques fabriques ou ateliers, lorsqu'il s'agira de six jours au plus, à la condition toutefois que les heures de travail ne dépasseront pas le nombre de treize sur vingt-quatre et que les femmes ne seront occupées ni avant 5 heures du matin ni après 10 heures du soir ;
   (*c.*) Par le Maire pour deux jours.
3. Le Ministre peut, en fixant les conditions, admettre des exceptions en ce qui concerne les intervalles de repos.

XII. Suède.

La législation ne contient pas de dispositions spéciales en ce qui concerne le travail des personnes adultes du sexe féminin.

XIII. Norvège.

Il n'y a pas de dispositions concernant le travail des femmes.

XIV. Suisse.

Outre les dispositions concernant les ouvriers en général, en vertu desquelles la durée du travail régulier d'une journée ne doit pas excéder onze heures et doit être, au milieu, divisée par un repos d'une heure au moins, et outre les dispositions aux termes desquelles le travail du Dimanche et de nuit est interdit, la loi contient encore, à l'égard des femmes, les dispositions suivantes :—

1. Les femmes ne peuvent en aucun cas être employées au travail de nuit ou du Dimanche.
2. Les femmes ne peuvent être employées à nettoyer les moteurs en mouvement, les appareils de transmission, et les machines dangereuses.
3. Lorsqu'elles ont un ménage à soigner, elles doivent être libres de quitter l'ouvrage une demi-heure avant le repos du milieu du jour, si celui-ci ne dure pas au moins une heure et demie.
4. Après et avant leurs couches il est réservé un laps de temps de huit semaines en tout, pendant lequel les femmes ne peuvent être admises au travail dans les fabriques. Elles ne peuvent être admises de nouveau dans la fabrique avant que six semaines au moins soient écoulées depuis le moment de leurs couches.
5. Le Conseil Fédéral est autorisé à désigner les branches d'industrie dans lesquelles les femmes enceintes ne peuvent être admises à travailler.

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o

COMMERCIAL. No. 15 (1890).

(GREECE.)

COMMERCIAL AGREEMENT

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN AND GREECE.

Signed at London, March 28, 1890.

Presented to both Houses of Parliament by Command of Her Majesty.
May 1890.

LONDON:
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[C.—5974.] *Price* 1*d.*

Commercial Agreement between the Governments of Great Britain and Greece.

Signed at London, March 28, 1890.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Hellenes, being desirous of developing the commerce between the two countries, have agreed, subject to the approval of their respective Legislatures, to the following modifications of their Tariff:—

1. The Government of Her Britannic Majesty engages to recommend to Parliament that the duty on currants imported into the United Kingdom of Great Britain and Ireland shall be reduced from 7*s.* to 2*s.* per hundred-weight.

2. The Government of His Hellenic Majesty engages to recommend to the Legislature, in behalf of goods of British origin or manufacture, the exemptions or reductions of duties laid down in the Customs Tariff as specified in the annexed document. These exemptions or reductions of duties shall not prejudice the collection of the "octroi," or other special or local duties now imposed, or those which may be imposed in the future, on goods favoured by this arrangement, and especially the collection of additional duties on importation which may be eventually imposed as compensation for the abolition of the "octroi."

The Government of His Hellenic Majesty will further recommend the Legislature to engage itself not to increase the amount of the land tax now collected on the export of currants.

3. The above arrangement shall have the same duration as the Treaty of the 10th November, 1886.

Signed at London, in duplicate, the 28th March, 1890.

(L.S.) SALISBURY.
(L.S.) J. GENNADIUS.

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande et le Gouvernement de Sa Majesté le Roi des Hellènes, désireux de développer le commerce entre les deux pays, sont tombés d'accord, sous la réserve de la sanction de leurs Législatures respectives, sur les modifications de Tarif ci-après:—

1. Le Gouvernement de Sa Majesté Britannique s'engage de recommander au Parlement que le droit sur le raisin de Corinthe importé dans le Royaume-Uni de la Grande-Bretagne et d'Irlande soit réduit de 7*s.* à 2*s.* le hundred-weight.

2. Le Gouvernement de Sa Majesté Hellénique s'engage de recommander à la Législature en faveur des objets d'origine ou de manufacture Britannique des exemptions ou réductions des droits inscrits dans le Tarif Douanier ainsi qu'il est spécifié dans la pièce ci-annexée. Ces exemptions ou réductions de droits ne porteront pas préjudice à la perception de l'octroi ou autres droits spéciaux ou locaux imposés actuellement ou qui seraient imposés dans l'avenir sur les objets favorisés par cet arrangement, et notamment à la perception des droits additionnels à l'importation qui seraient imposés éventuellement en compensation de l'abolition de l'octroi.

Le Gouvernement de Sa Majesté Hellénique recommandera en outre à la Législature de prendre l'engagement de ne pas augmenter le montant de l'impôt foncier actuellement perçu à la sortie du raisin de Corinthe.

3. L'arrangement ci-dessus aura la même durée que le Traité du 10 Novembre, 1886.

Fait à Londres, en double expédition, le 28 Mars, 1890.

ANNEXE.

Modifications consenties par l'Accord du 28 Mars, 1890, dans le Tarif des Douanes Helléniques en faveur d'Objets d'origine ou de manufacture Britannique importés en Grèce.

Poissons Salés.

CLASSE 11.—Harengs : droit de 30 leptas l'ocque, réduit à 20 leptas.

Fils de Coton.

Classe 152.—Fils simples écrus ; (*a*) jusqu'au No. 24 Anglais : droit de 60 leptas l'ocque réduit à 50 leptas ; (*b*) au-dessus du No. 24 Anglais : droit de 80 leptas l'ocque, réduit à 60 leptas.

Classe 153.—Fils simples blanchis ; (*b*) au-dessus du No. 24 Anglais : droit de 88 leptas l'ocque, réduit à 66 leptas.

Classe 154.—Fils simples teints à la détrempe ; (*b*) au-dessus du No. 24 Anglais : droit de 1·04 drachme l'ocque, réduit à 80 leptas.

Note insérée après la classe 155, fils retors ou câblés : droit de 20 pour cent ajouté à celui des fils simples aboli.

Teintures Végétales.

Classe 59 (*b*).—Indigo : droit de 3 drachmes l'ocque, réduit à 10 leptas.

Produits Chimiques.

Classe 103 (*c*).—Acides purs, c'est-à-dire acide sulfurique (esprit de vitriol), acide hydrochlorique (esprit de sel), acide nitrique (eau forte), acide phénique, et autres acides similaires, ainsi que tout autre produit chimique non dénommé : droit de 20 leptas l'ocque, réduit à 10 leptas.

Classe 103 (*d*).—Acides non raffinés, dits de commerce : droit de 10 leptas l'ocque, aboli.

Tissus de Coton.

Classe 157.—Tissus de coton écrus non spécialement dénommés : (*a*) droit de 80 leptas réduit à 70 leptas ; (*b*) et (*c*) droit de 96 leptas et 1·12 drachme l'ocque fondus en droit unique de 80 leptas.

Classe 158.—Tissus de coton blanchis non spécialement dénommés : droit de 40 pour cent ajouté à celui des tissus de coton écrus fait place à droit unique de 1 drachme sans l'augmentation de 40 pour cent.

Classe 159.—Tissus de coton fabriqués avec des fils teints ou imprimés non spécialement dénommés : droit de 80 pour cent ajouté à celui des tissus de coton écrus fait place à droit unique de 1·20 drachme l'ocque sans l'augmentation de 80 pour cent.

Classe 161.—Dernier alinéa, "linge et objets brodés, à l'exception des vêtements confectionnés :" droit de 6 drachmes l'ocque, réduit à 3 drachmes.

Classe 162 (*a*).—Velours, façons velours et peluches pour hommes, cretonnes, satin, et piqués : droit de 3 drachmes l'ocque conservé pour velours, façons velours, et peluches non spécialement denommés et réduit à 2 drachmes pour tous les objets ci-dessus spécialement dénommés.

Classe 164.—Vêtements confectionnés pour hommes et enfants : droit de 50 pour cent ajouté à celui du tissu, réduit à 40 pour cent.

Tissus de Lin, de Chanvre, ou de Jute.

Classe 168.—Tissus de lin, de chanvre, ou de jute non spécialement dénommés :—

(*a.*) Contenant moins de 12 fils de chaîne en 5 millim. carrés, à l'exception du tissu grossier propre à faire des sacs : droit de 1·10 drachme l'ocque, réduit à 90 leptas.

(*b.*) Contenant 12 fils et au-dessus de chaîne en 5 millim. carrés : droit de 3 drachmes l'ocque, réduit à 2 drachmes.

Classe 170.—Dentelles et broderies : droit de 30 drachmes l'ocque, réduit à 15 drachmes.

Classe 171.—Tulles, gazes, batiste, et autres tissus transparents : droit de 16 drachmes l'ocque, réduit à 8 drachmes.

Classe 172.—Velours, passementerie, franges, rubans, &c., et linge : droit de 6 drachmes l'ocque, réduit à 3 drachmes.

Classe 173.—Vêtements confectionnés pour hommes et pour garçons : droit ajouté à celui du tissu de 50 pour cent, réduit à 40 pour cent.

Classe 174.—Vêtements confectionnés pour femmes et fillettes :—

(*a.*) Simples : droit de 20 drachmes l'ocque, réduit à 15 drachmes.

(*b.*) Avec broderies ou dentelles et sans déduction de tare : droit de 30 drachmes l'ocque, réduit à 15 drachmes.

Tissus de Laine ou de Poils.

Classe 177 (*c*).—Tapis en fils de laine ou de laine et coton tissés ou tricotés, ainsi que ceux en mélange de laine, de chanvre, ou de jute : droit de 2·50 drachmes l'ocque, réduit à 2 drachmes.

Classe 185.—Tissus en laine ou de toute autre matière textile animale (poils) non spécialement dénommés de toutes couleurs et fabrication (à l'exception des tissus fins, tels que gazes et tulles, grenadines et semblables) ayant la chaîne ou la trame entièrement ou en grande partie en coton :—

(*a.*) Jusqu'au poids de 200 grammes par mètre carré : droit de 2·50 drachmes l'ocque, réduit à 2 drachmes.

(*b.*) Au-dessus du poids de 200 grammes par mètre carré : droit de 1·60 drachmes l'ocque, réduit à 1·30 drachme.

(Translation.)

ANNEX.

Modifications (assented to by the Agreement of the 28th March, 1890) in the Greek Customs Tariff in favour of Goods the Produce or Manufacture of the United Kingdom imported into Greece.

Fish, Salted or Dried.

CLASS 11.—Herrings, duty of 30 leptas per oke, reduced to 20 leptas.

Cotton Yarn.

Class 152.—Single, unbleached, yarns; (*a*) up to No. 24 English : duty of 60 leptas per oke, reduced to 50 leptas; (*b*) above No. 24 English : duty of 80 leptas per oke, reduced to 60 leptas.

Class 153.—Single, bleached, yarns; (*b*) above No. 24 English : duty of 88 leptas per oke, reduced to 66 leptas.

Class 154.—Single, water-dyed, yarns; (*b*) above No. 24 English: duty of 1·04 drachme per oke, reduced to 80 leptas.

Note inserted after class 155, twisted yarns and cable twist: duty of 20 per cent. in addition to the duty on single yarns, abolished.

Vegetable Dyes.

Class 59 (*b*).—Indigo: duty of 3 drachmes per oke, reduced to 10 leptas.

Chemical Products.

Class 103 (*c*).—Acids, pure, *i.e.*, sulphuric acid (vitriol), hydrochloric acid (spirits of salts), nitric acid (aqua fortis), phenic acid, and other similar acids, as well as all other chemical products not specially mentioned: duty of 20 leptas per oke, reduced to 10 leptas.

Class 103 (*d*).—Impure acids (so-called acids of commerce): duty of 10 leptas per oke, abolished.

Tissues of Cotton.

Class 157.—Tissues of cotton, unbleached, not specially mentioned: (*a*) [having up to 36 threads in warp and woof in the space of 5 square millim.] duty of 80 leptas [per oke], reduced to 70 leptas; (*b*) [having from 36 to 44 threads in the space of 5 square millim.] and (*c*) [having from 44 to 56 threads in the space of 5 square millim.] duties of 96 leptas and 1·12 drachme per oke respectively, reduced to a single duty of 80 leptas [per oke].

Class 158.—Tissues of cotton, bleached, not specially mentioned: duty of 40 per cent. in addition to that leviable on unbleached tissues, altered to a single duty of 1 drachme [per oke] without the addition of 40 per cent.

Class 159.—Tissues of cotton, woven of dyed threads or printed, not specially mentioned: duty of 80 per cent. in addition to that leviable on unbleached tissues, altered to a single duty of 1·20 drachme per oke without the addition of 80 per cent.

Class 161.—Last line to read, "linen and embroidered articles, with the exception of made-up clothing:" duty of 6 drachmes per oke, reduced to 3 drachmes.

[This class now reads, "open woven tissues such as gauze, batiste, muslins, grenadine, tulle, lace, headkerchiefs ("kalimkéria"), linen, and embroidered articles (with the exception of made-up clothing)].

Class 162 (*a*).—Velvets, velvety stuffs, and plushes for men's use, cretonnes, satins, and piqués: duty of 3 drachmes per oke continued for velvets, velvety stuffs, and plushes not specially mentioned; duty reduced to 2 drachmes for all the articles specially mentioned above.

Class 164.—Made-up clothing for men and children: duty of 50 per cent. in addition to that leviable on the tissue of which made, reduced to 40 per cent.

Tissues of Linen, Hemp, or Jute.

Class 168.—Tissues of linen, hemp, or jute not specially mentioned:—

(*a.*) Containing less than 12 warp threads in the space of 5 square millim. (with the exception of coarse tissues for sack making): duty of 1·10 drachme per oke, reduced to 90 leptas.

(*b.*) Containing 12 warp threads and above in the space of 5 square millim.: duty of 3 drachmes per oke, reduced to 2 drachmes.

Class 170.—Lace and embroideries: duty of 30 drachmes per oke, reduced to 15 drachmes.

Class 171.—Tulle, gauze, batiste, and other open woven tissues: duty of 16 drachmes per oke, reduced to 8 drachmes.

Class 172.—Velvets, small wares, fringes, ribbons, &c., and linen: duty of 6 drachmes per oke, reduced to 3 drachmes.

Class 173.—Made-up clothing for men and boys: duty of 50 per cent. in addition to that leviable on the tissue of which made, reduced to 40 per cent.

Class 174.—Made-up clothing for women and girls:—

(*a.*) Plain: duty of 20 drachmes per oke, reduced to 15 drachmes.

(*b.*) With embroidery or lace, and without deduction for tare: duty of 30 drachmes per oke, reduced to 15 drachmes.

Tissues of Wool or Hair.

Class 177 (*c*).—Carpets of wool, or of cotton and wool, woven or knitted, as well as carpets of wool mixed with hemp or jute: duty of 2·50 drachmes per oke, reduced to 2 drachmes.

Class 185.—Tissues of wool or of any other animal hair ("poil"), not specially mentioned, of any colour or make (except fine tissues such as gauzes, tulles, grenadines, and similar tissues), having the warp or woof entirely or in great part of cotton:—

(*a.*) Weighing up to 200 grammes per square metre: duty of 2·50 drachmes per oke, reduced to 2 drachmes.

(*b.*) Weighing above 200 grammes per square metre: duty of 1·60 drachmes per oke, reduced to 1·30 drachmes.

COMMERCIAL. No. 15 (1890).

(GREECE.)

COMMERCIAL AGREEMENT between the Governments of Great Britain and Greece.

Signed at London, March 28, 1890.

Presented to both Houses of Parliament by Command of Her Majesty. May 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COMMERCIAL. No. 17 (1890).

(GREECE.)

DECLARATION

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN AND GREECE,

CORRECTING AN ERROR IN THE ANNEX TO THE COMMERCIAL AGREEMENT BETWEEN THE TWO COUNTRIES OF MARCH 28, 1890.

Signed at London, June 16, 1890.

Presented to both Houses of Parliament by Command of Her Majesty.
June 1890.

LONDON:
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[C.—6045.] *Price* ½*d.*

DECLARATION between the Governments of Great Britain and Greece, correcting an Error in the Annex to the Commercial Agreement between the two Countries of March 28, 1890.

Signed at London, June 16, 1890.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the King of the Hellenes, being desirous of correcting an error in the Annex to the Commercial Agreement between Great Britain and Greece, signed on the 28th March, 1890, and of thus making the said Agreement conform to the intentions of the Contracting Parties,

Declare as follows :

The paragraph in the Annex to the said Agreement of the 28th March, 1890, which is entitled "Classe 162 (A)," and which is as follows :—

"Classe 162 (A).

"Velours, façons velours, et peluches pour hommes, cretonnes, satin, et piqués : droit de 3 drachmes l'ocque conservé pour velours, façons velours, et peluches non spécialement dénommés, et réduit à 2 drachmes pour tous les objets ci-dessus spécialement dénommés,"

is cancelled, and the following paragraph is substituted for it :—

"Classe 162 (A).

"Velours, façons velours, et peluches, cretonnes, satin, et piqués : droit de 3 drachmes l'ocque conservé pour tous les objets non spécialement dénommés et réduit à 2 drachmes pour tous les objets ci-dessus spécialement dénommés."

In witness whereof the Undersigned, duly authorized to that effect by their respective Governments, have signed the present Declaration at London this 16th day of June, 1890.

(L.S.) SALISBURY.

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande et le Gouvernement de Sa Majesté le Roi des Hellènes, désireux de rectifier une erreur dans l'Annexe de l'Accord Commercial entre la Grande-Bretagne et la Grèce, signé le 28 Mars, 1890, et de rendre le dit Accord conforme aux intentions des Parties Contractantes,

Déclarent ce qu'il suit :

Le paragraphe de l'Annexe du dit Accord du 28 Mars, 1890, qui est intitulé "Classe 162 (A)," et dont le texte est le suivant :—

"Classe 162 (A).

"Velours, façons velours, et peluches pour hommes, cretonnes, satin, et piqués : droit de 3 drachmes l'ocque conservé pour velours, façons velours, et peluches non spécialement dénommés, et réduit à 2 drachmes pour tous les objets ci-dessus spécialement denommés,"

est annulé, et le paragraphe suivant y est substitué :—

"Classe 162 (A).

"Velours, façons velours, et peluches, cretonnes, satin, et piqués : droit de 3 drachmes l'ocque conservé pour tous les objets non spécialement dénommés et réduit à 2 drachmes pour tous les objets ci-dessus spécialement dénommés."

En foi de quoi les Soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont signé la présente Déclaration à Londres le 16 Juin, 1890.

(L.S.) J. GENNADIUS.

COMMERCIAL. No. 17 (1890).

(GREECE.)

DECLARATION between the Governments of Great Britain and Greece, correcting an Error in the Annex to the Commercial Agreement between the two Countries of March 28, 1890.

Signed at London, June 16, 1890.

Presented to both Houses of Parliament by Command of Her Majesty. June 1890.

LONDON:

PRINTED BY HARRISON AND SONS

COMMERCIAL. No. 10 (1890).

(ITALY.)

AGREEMENT

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN AND ITALY

FOR INCREASING THE

LIMITS OF WEIGHT AND THE DIMENSIONS OF PACKETS OF PATTERNS OF MERCHANDIZE

EXCHANGED THROUGH THE

POST BETWEEN THE TWO COUNTRIES.

Signed at Rome, July 9, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1890.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, ST. MARTIN'S LANE,
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32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[C.—5916.] *Price* ½*d.*

Agreement between the Governments of Great Britain and Italy for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries.

Signed at Rome, July 9, 1889.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Italy, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878, have agreed as follows:—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the post between the United Kingdom of Great Britain and Ireland on the one part, and Italy on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the International Convention of the 1st June, 1878, under the express reservation that such limits shall not exceed the following:

In weight	350 grammes.
In dimensions—	
Length	30 centimetres.
Breadth	20 „
Depth	10 „

The present Agreement shall take effect on the day that the Postal Administrations of the two countries shall fix upon, and shall be terminable at any time on a notice by either Office of one year.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at Rome, the 9th July, 1889.

(L.S.) HENRY NEVILL DERING.

IL Governo di Sua Maestà la Regina del Regno Unito della Gran Brettagna ed Irlanda, ed il Governo di Sua Maestà il Re d'Italia, desiderando di facilitare le relazioni postali fra i due paesi, ed in virtù dei poteri loro accordati dall'Articolo XV della Convenzione dell'Unione Postale Universale conchiusa a Parigi il 1° Giugno, 1878, hanno convenuto quanto segue:—

I limiti di peso e di dimensioni dei pacchi di campioni di merci scambiati per posta fra il Regno Unito della Gran Brettagna ed Irlanda da una parte e l'Italia dall'altra, possono essere estesi dall'Amministrazione Postale del paese d'origine, oltre quelli fissati dall'Articolo V della Convenzione Internazionale del 1° Giugno, 1878, coll' espressa riserva però che tali limiti non eccedano:—

In peso	350 grammi.
In dimensioni—	
Lunghezza ..	30 centimetri.
Larghezza.. ..	20 „
Altezza	10 „

Il presente Accordo entrerà in vigore nel giorno che sarà stabilito dall'Amministrazioni Postali dei due Stati, ed avrà termine in ogni tempo, mediante il preavviso di un anno da parte di uno dei due Uffici.

In fede di che i Sottoscritti, debitamente a ciò autorizzati, hanno firmato il presente Accordo, e vi hanno apposto il sigillo delle loro armi.

Fatto in doppio esemplare a Roma li 9 Luglio, 1889.

(L.S.) F. CRISPI.

COMMERCIAL. No. 10 (1890).

(ITALY.)

AGREEMENT between the Governments of Great Britain and Italy for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries.

Signed at Rome, July 9, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. March 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

GENERAL POST OFFICE.

ADDITIONAL ARTICLES

TO THE

Detailed Regulations of the 24/31st of May 1872, and the Articles of the 7/15th of December 1875, and the 5/24th of November 1881, for the execution of the Convention of the 4th of March 1872, relative to the exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Kingdom of Italy.

Presented to both Houses of Parliament by Command of Her Majesty.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

1890.

[C.—5924.] *Price* ½*d.*

Additional Articles to the Detailed Regulations of the 24/31st May 1872, and the Articles of the 7/15th December 1875, and the 5/24th November 1881, for the execution of the Convention of the 4th March 1872, relative to the exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Kingdom of Italy.

The Postmaster General of the United Kingdom of Great Britain and Ireland and the Minister of Posts and Telegraphs of the Kingdom of Italy, being empowered by Article II. of the Convention of the 4th March 1872, relative to the exchange of Money Orders between the two countries, to modify when necessary the Detailed Regulations for the execution of the said Convention, have agreed upon the following additional Articles.

ARTICLE I.

The last sentence of Article III. of the above-named Regulations shall be cancelled and the following sentence shall be substituted for it.

"The commission shall belong to the issuing office, but the British Post Office shall pay to the Post Office of Italy one half of one per cent. on the amount of money orders issued in the United Kingdom and payable in Italy, and the Italian Office shall make a like payment to the British Office for money orders issued in Italy and payable in the United Kingdom."

The words "one half of one per cent." shall also be substituted for the words "one per cent." under the head of commission in the Account Forms B. and C. annexed to the above-named detailed regulations.

Articoli Addizionali al Regolamento del 24/31 Maggio 1872, ed alle Modificazioni del 7/15 Dicembre 1875, e del 5/24 Novembre 1881, al Regolamento medesimo per l'esecuzione della Convenzione del 4 Marzo 1872 relativa al Cambio dei vaglia fra il Regno Unito della Gran Brettagna e Irlanda ed il Regno d'Italia.

Il Direttore Generale delle Poste del Regno Unito della Gran Brettagna e Irlanda e il Ministro delle Poste e dei Telegrafi del Regno d'Italia essendo autorizzati dall Articolo II. della Convenzione del 4 Marzo 1872, relativa al cambio dei vaglia fra i due paesi a modificare, se necessario, il Regolamento per l'esecuzione della detta Convenzione, hanno stabilito i seguenti Articoli addizionali.

ARTICOLO I.

L'ultimo periodo dell' Articolo III. del suddetto Regolamento sarà cancellato ed il seguente periodo sarà sostituito in sua vece.

"Il prodotto della Tassa apparterrà all'amministrazione mittente, ma l'Amministrazione Inglese pagherà a quella Italiana il mezzo per cento sull'ammontare dei vaglia emessi nel Regno Unito e pagabili in Italia, e l'amministrazione Italiana effetuerà lo stesso pagamento a quella Inglese per i vaglia emessi in Italia e pagabili nel Regno Unito."

Le parole "un mezzo per cento" saranno anche sostituite a quelle "uno per cento" del diritto di commissione negli Elenchi B. e C. annessi al sopra citato Regolamento.

i 61660. Wt. 20751.

ARTICLE II.

The foregoing Article I. shall take effect from the 1st day of August 1889.

Done in duplicate and signed in London on the 29th day of July 1889, and at Rome on the 4th day of August 1889.

L.S.

Postmaster-General of the United Kingdom of Great Britain and Ireland.

(S[d]) HENRY CECIL RAIKES.

ARTICOLO II.

Il suesposto Articolo I. avrà effetto il giorno 1 di Agosto 1889.

Fatta in doppio originale e firmata a Londra il giorno 29 Luglio 1889, e a Roma il giorno 4 Agosto 1889.

L.S.

Per il Ministro delle Poste e dei Telegrafi del Regno d'Italia.

Le Sous Sécrétaire d'Etat.

(S[d]) C. COMPANS.

ITALY. No. 1 (1890).

TREATY

BETWEEN

HER MAJESTY AND HIS MAJESTY THE KING OF ITALY

FOR THE

SUPPRESSION OF THE AFRICAN SLAVE TRADE.

Signed at London, September 14, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

LONDON:
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BY HARRISON AND SONS, ST. MARTIN'S LANE,
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32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[C.—5901.] *Price* 1*d.*

Treaty between Her Majesty and His Majesty the King of Italy for the Suppression of the African Slave Trade.

Signed at London, September 14, 1889.

[*Ratifications exchanged at London, October* 24, 1889.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of Italy, being mutually animated by a sincere desire to co-operate for the extinction of the Traffic in African Slaves, have resolved to conclude a Treaty for the purpose of attaining this object, and with this view have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.;

And His Majesty the King of Italy, Monsieur Thomas Catalani, Knight Commander of Saints Maurice and Lazare, Chargé d'Affaires of His Majesty in London;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of Italy engage to prohibit all Trade in Slaves, either by their respective subjects, or under their respective flags, or by means of capital belonging to their respective subjects; and to declare such Traffic piracy. Their Majesties further declare, that any vessel which may attempt to carry on the Slave Trade, shall, by that fact alone, lose all right to the protection of their flag.

ARTICLE II.

In order more completely to accomplish the object of the present Treaty, the High Contracting Parties agree that their ships of war may search every merchant-vessel belonging to the nationality of either of

SUA Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda e Sua Maestà il Re d'Italia, essendo mutuamente animati da un sincero desiderio di cooperare per l'estinzione del Traffico degli Schiavi Affricani, hanno risoluto di conchiudere un Trattato per conseguire quello scopo, e, con tale intento, hanno nominato loro Plenipontenziari:

Sua Maestà la Regina del Regno Unito della Gran Bretagna e d' Irlanda, l'Onorevolissimo Roberto Arturo Talbot Gascoyne Cecil, Marchese di Salisbury, Conte di Salisbury, Visconte Cranborne, Barone Cecil, Pari del Regno Unito, Cavaliere del Nobilissimo Ordine della Giarrettiera, Membro dell' Onorevolissimo Consiglio Privato di Sua Maestà, Principale Segretario di Stato di Sua Maestà per gli Affari Esteri;

E Sua Maestà il Re d'Italia, il Signor Tommaso Catalani, Commendatore dei SS. Maurizio e Lazzaro, Incaricato d'Affari di Sua Maestà in Londra;

I quali, dopo aversi partecipato l'un l'altro i loro rispettivi pieni poteri, trovati in buona e debita forma, sono addivenuti alla stipulazione degli Articoli seguenti:—

ARTICOLO I.

Sua Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda e Sua Maestà il Re d'Italia assumono l'impegno di proibire ogni Commercio di Schiavi esercitato dai loro sudditi rispettivi, o sotto le loro rispettive bandiere, o per mezzo di capitali appartenenti ai loro sudditi rispettivi, e di dichiarare un tale Traffico atto di pirateria. Le Loro Maestà dichiarano inoltre che qualsiasi nave che tenterà di esercitare la Tratta perderà, per quel solo fatto, ogni diritto alla protezione della loro bandiera.

ARTICOLO II.

Per conseguire più pienamente lo scopo del presente Trattato, le Alte Parti Contraenti convengono che le loro navi da guerra possono visitare ogni bastimento mercantile appartenente alla nazionalità

the High Contracting Parties which shall, on reasonable grounds, be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that purpose, or of having been engaged in the Traffic during the voyage in which she shall have been met with by the said cruizers; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial.

The said mutual right of search shall not be exercised within the Mediterranean Sea. Moreover, the space within which the exercise of the said right shall be confined, shall be bounded, on the north, by the 32nd parallel of north latitude; on the west, by the eastern coast of America, from the point where the 32nd parallel of north latitude strikes that coast, down to the 45th parallel of south latitude; on the south, by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America to the 80th degree of longitude east from the meridian of Greenwich; and on the east, by the same degree of longitude, from the point where it is intersected by the 45th parallel of south latitude up to the coast of India.

ARTICLE III.

In no case shall the mutual right of search be exercised upon the ships of war or public vessels of the High Contracting Parties, but their cruizers shall mutually afford to each other assistance in all cases where it may be useful that they should act in concert.

ARTICLE IV.

Whenever a merchant-vessel, belonging to the nationality of one of the High Contracting Parties, shall have been detained by a cruizer of the other, conformably to the provisions of the present Treaty, such merchant-vessel, as well as the master, the crew, the cargo, and the slaves who may be on board, shall be brought into such place as the High Contracting Parties have respectively designated for that purpose in this Article, and they shall be delivered over to the authorities appointed with that view by the Government which exercises jurisdiction at such place, in order that proceedings may be had with respect to them before the competent Tribunals.

All British vessels which shall be detained on the western coast of Africa by the cruizers of Italy shall be carried and delivered up to the British Jurisdiction at Sierra Leone; or shall be handed over to a British cruizer, if one should be available in the neighbourhood of the capture.

dell'una o dell'altra Alta Parte Contraente, sospettato, con ragionevoli motivi, di essere impegnato nel Traffico degli Schiavi, o di essere stato allestito a quell'intento, o di essere stato impegnato in quel Traffico durante il viaggio in cui avrà incontrato i detti incrociatori; e che quegli incrociatori potranno arrestare, e spedire, o condurre seco tali bastimenti affinchè possano essere sottoposti ad un giudizio.

Il suddetto reciproco diritto di visita non sarà esercitato nel Mediterraneo. Oltreacciò lo spazio entro cui sarà ristretto l'esercizio del suddetto diritto avrà per limite, a settentrione, il 32$^{mo.}$ parallelo di latitudine settentrionale; ad occidente, la costa orientale d'America, dal punto dove il 32$^{mo.}$ parallelo di latitudine settentrionale tocca quella costa, fino al 45$^{mo.}$ parallelo di latitudine meridionale; a mezzogiorno, dal 45$^{mo.}$ parallelo di latitudine meridionale, dal punto dove quel parallelo tocca la costa orientale d'America all'80$^{mo.}$ grado di longitudine orientale dal meridiano di Greenwich; ed, ad oriente, dallo stesso grado di longitudine, dal punto dove è intersecato dal 45$^{mo.}$ parallelo di latitudine meridionale fino alla costa dell'India.

ARTICOLO III.

In nessun caso il reciproco diritto di visita sarà esercitato verso navi da guerra o navi dello Stato delle Alte Parti Contraenti; ma i loro incrociatori si presteranno l'un l'altro mutuamente assistenza in tutti i casi in cui possa esser utile che agiscano di concerto.

ARTICOLO IV.

Allorquando un bastimento mercantile, appartenente alla nazionalità d'una delle Alte Parti Contraenti, sarà stato arrestato da un incrociatore dell'altra, in conformità dei provvedimenti del presente Trattato, tale bastimento mercantile, come pure il padrone, l'equipaggio, il carico e gli schiavi che possano esservi a bordo, saranno condotti in quel luogo che le Alte Parti Contraenti hanno rispettivamente designato a tal fine in quest'Articolo; e saranno consegnati alle autorità nominate a tale scopo dal Governo il quale vi esercita giurisdizione, affinchè possano intentarsi procedimenti rispetto ad essi innanzi i Tribunali competenti.

Tutti i bastimenti Britannici che saranno arrestati dagli incrociatori Italiani sulla costa occidentale dell'Affrica saranno condotti e consegnati alla giurisdizione Britannica in Sierra Leone; o saranno consegnati ad un incrociatore Britannico, se ve ne sarà uno di cui valersi nelle vicinanze del luogo di cattura.

All British vessels which shall be detained on the eastern coast of Africa, the Red Sea, and coast of Arabia by the cruizers of Italy shall be carried and delivered up to the British Jurisdiction at Suakin, Aden, or Zanzibar, as may be most convenient; or shall be handed over to a British cruizer, if one should be available in the neighbourhood of the capture.

All Italian vessels which shall be detained by the cruizers of Great Britain on the eastern or western coast of Africa, in the Red Sea, and on the coast of Arabia, shall be sent to the nearest or most accessible Italian Colony, Possession, or Protectorate where a Slave Trade Tribunal exists; or shall be handed over to an Italian cruizer, if one should be available in the neighbourhood of the capture.

Tutti i bastimenti Britannici che saranno arrestati dagli incrociatori Italiani sulla costa orientale dell'Affrica, nel Mar Rosso o sulla costa di Arabia saranno condotti e consegnati alla giurisdizione Britannica in Suakim, Aden, o Zanzibar, come potrà tornar meglio conveniente; o saranno consegnati ad un incrociatore Britannico, se ve ne sarà uno di cui valersi nelle vicinanze del luogo di cattura.

Tutti i bastimenti Italiani che saranno arrestati dagli incrociatori Britannici sulla costa orientale od occidentale dell'Affrica, nel Mar Rosso e sulla costa d'Arabia, saranno spediti alla più vicina od alla più accessibile Colonia, Possedimento o Protettorato Italiano in cui sia un Tribunale per la Tratta degli Schiavi; o saranno consegnati ad un incrociatore Italiano, se ve ne sarà uno di cui valersi nelle vicinanze del luogo di cattura.

ARTICLE V.

Every merchant-vessel belonging to the nationality of either of the High Contracting Parties which shall be searched and detained in virtue of the provisions of the present Treaty shall, unless proof be given to the contrary, be deemed to have been engaged in the Slave Trade, or to have been fitted out for that Traffic, if there are found on board any slave or slaves other than domestic slaves in attendance on or in the discharge of the legitimate business of their masters, or slaves *bonâ fide* employed in the navigation of the vessel; or if there are found slave-shackles, bolts, or handcuffs; special floorings of mud or sand laid down as a sitting-place for slaves; a larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of such merchant-vessel; a boiler or other cooking-apparatus of unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of such merchant-vessel; or more than one boiler or other cooking-apparatus, of the ordinary size; a quantity of mats or matting, greater than is necessary for the use of such merchant-vessel, unless such mats or matting be entered on the manifest as forming part of the cargo.

If it is established that a slave or slaves, other than those specially excepted in this Article, or that one or more of the articles above specified are on board, or have been on board, during the voyage in which the vessel was captured, that fact shall be considered as *primâ facie* evidence that the vessel was employed in the Traffic.

ARTICOLO V.

Ogni bastimento mercantile appartenente alla nazionalità dell'una o dell'altra Alta Parte Contraente che sarà visitato ed arrestato in virtù dei provvedimenti del presente Trattato sarà considerato (a meno che non siano presentate prove in contrario) essere stato impegnato nella Tratta, od essere stato allestito per quel Traffico, se a bordo di esso si troveranno schiavo o schiavi che non siano schiavi domestici al servizio od al disimpegno delle legittime faccende dei loro padroni, o schiavi impiegati *bonâ fide* nella navigazione del bastimento; o se si troveranno a bordo catene per schiavi, ferri o manette, o strati speciali di fango o di sabbia, stesi come giacigli per schiavi; una quantità d'acqua in barili od in vasche maggiore di quella richiesta per uso dell' equipaggio del detto bastimento mercantile; una caldaja od altro utensile da cuocere di grandezza non usuale, e più ampio, od atto ad esser reso più ampio, di quello che sia richiesto per l'uso dell'equipaggio del bastimento; o più di una caldaja od altro utensile da cuocere della grandezza ordinaria; una quantità di stuoje o paglericci maggiore di quanto è necessario per l'uso del bastimento, a meno che tali stuoje o paglericci non siano inscritti nei registri come facenti parte del carico.

Se è dimostrato che uno schiavo o schiavi, che non siano quelli specialmente eccettuati in questo Articolo, o che uno o più degli oggetti quì innanzi particolareggiati sia o siano stati a bordo durante il viaggio nel quale il bastimento fu catturato, tale fatto sarà considerato come prova *primâ facie* che il bastimento era adoperato nella Tratta.

ARTICLE VI.

Proceedings shall be immediately taken against the vessel detained, as above stated, her master, her crew, and her cargo, before the competent Tribunals of the country to which she belongs; and they shall be tried and adjudged according to the established forms and laws in force in that country; and if it results from the proceedings that the said vessel was employed in the Slave Trade, or fitted out for that Traffic, the vessel, her fittings, and her cargo of merchandize shall be confiscated; and the master, the crew, and their accomplices shall be dealt with conformably to the laws by which they shall have been tried.

In case of confiscation, the proceeds of the sale of the aforesaid vessel shall, within the space of six months, reckoning from the date of the sale, be placed at the disposal of the Government of the country to which the ship which made the capture belongs, in order to be employed in conformity with the laws of that country.

ARTICOLO VI.

Saranno immantinente iniziati procedimenti contro il bastimento arrestato, come è stato detto di sopra, contro il suo padrone, il suo equipaggio ed il suo carico, innanzi i Tribunali competenti dello Stato al quale il bastimento appartiene; ed essi saranno assegnati e giudicati secondo le forme stabilite e le leggi in vigore in quello Stato; e se risulta dai procedimenti che il detto bastimento fu adoperato nella Tratta, od allestito per quel Traffico, il bastimento, i suoi attrezzi ed il suo carico di merci saranno confiscati; ed il padrone, l'equipaggio ed i loro complici saranno trattati in conformità delle leggi colle quali saranno stati giudicati.

In caso di confisca, i prodotti della vendita del suddetto bastimento, nello spazio di sei mesi, a computare dal giorno della vendita, saranno messi alla disposizione del Governo dello Stato al quale appartiene la nave che fece la cattura, da essere impiegati in conformità delle leggi di quello Stato.

ARTICLE VII.

If a slave or slaves, other than those specially excepted by, or any one of the articles specified in, Article V of the present Treaty, is found on board a merchant-vessel, or if such slave or article is proved to have been on board of her during the voyage in which she was captured, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to the master, or to the owner, or to any other person interested in the equipment or in the lading, even though a sentence of condemnation should not have been pronounced against the vessel, as a consequence of her detention.

ARTICOLO VII.

Se uno schiavo o schiavi che non siano quelli specialmente eccettuati nell'Articolo V del presente Trattato, o se alcuno degli oggetti descritti nel suddetto Articolo, si troveranno a bordo d'un bastimento mercantile, o se si proverà che un tale schiavo od un tale oggetto sia stato a bordo di quel bastimento durante il viaggio nel quale esso fu catturato, non sarà accordato, in nessun caso, alcun compenso per perdite, danni o spese derivati dalla detenzione del bastimento, nè al padrone, nè all'armatore, nè a qualsiasi altra persona interessata nell'equipaggiamento o nel carico, ancorchè non sia pronunziata una sentenza di condanna contro il bastimento, come conseguenza della detenzione d'esso.

ARTICLE VIII.

When, by the sentence of the competent Tribunal, it shall have been ascertained that a merchant-vessel detained in virtue of the present Treaty, was not engaged in the Slave Trade, and was not fitted out for that Traffic, she shall be restored to the lawful owner or owners. If the competent Tribunal should decide that the seizure, detention, or prosecution was without reasonable ground, the Government of the cruizer making the capture will be liable to pay to the Government of the nation to which the captured vessel belonged a compensation appropriate to the circumstances of the case.

ARTICOLO VIII.

Allorquando, per sentenza del Tribunale competente, sarà stato accertato che un bastimento mercantile, arrestato in virtù del presente Trattato, non era impegnato nella Tratta, e non era stato allestito per quel Traffico, esso sarà restituito al proprietario od ai proprietarii legittimi. Se il Tribunale competente decidesse che la cattura, la detenzione o il procedimento giudiziario furono fatti senza ragionevole motivo, il Governo dell'incrociatore che ha fatto la cattura sarà soggetto a pagare al Governo della nazione al quale apparteneva il bastimento catturato un risarcimento adeguato ai fatti particolari del caso.

ARTICLE IX.

The High Contracting Parties engage reciprocally to communicate to each other, when asked to do so, and without expense, copies of the proceedings instituted, and of the judgments given, relative to vessels searched or detained in execution of the provisions of this Treaty.

ARTICOLO IX.

Le Alte Parti Contraenti assumono reciprocamente l'impegno di comunicarsi, l'una all'altra, appena richieste di farlo, e senza spesa, copia dei procedimenti istituiti e delle sentenze date circa i bastimenti visitati o arrestati in esecuzione dei provvedimenti di questo Trattato.

ARTICLE X.

The High Contracting Parties agree to insure the immediate freedom of all the slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present Treaty.

ARTICOLO X.

Le Alte Parti Contraenti convengono di assicurare la libertà immediata di tutti gli schiavi che si troveranno a bordo dei bastimenti arrestati e condannati in virtù delle stipulazioni del presente Trattato.

ARTICLE XI.

The present Treaty shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the seals of their arms.

Done at London, the 14th day of September, in the year of Our Lord 1889.

ARTICOLO XI.

Il presente Trattato sarà ratificato, e le ratificazioni saranno scambiate il più prontamente possibile.

In prova di che i Plenipotenziari rispettivi hanno sottoscritto il presente Trattato, e vi hanno apposto il sigillo delle loro armi.

Fatto a Londra, il 14mo giorno di Settembre, nell'anno di nostro Signore mille ottocento ottantanove.

(L.S.) SALISBURY.
(L.S.) T. CATALANI.

ITALY. No. 1 (1890).

TREATY between Her Majesty and His Majesty the King of Italy for the Suppression of the African Slave Trade.

Signed at London, September 14, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
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MISCELLANEOUS. No. 2 (1890).

CORRESPONDENCE

RESPECTING THE

DUKE OF NORFOLK'S SPECIAL MISSION TO THE POPE.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated August 11, 1890.

LONDON:
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"A Return of all Papers relating to the Mission of the Duke of Norfolk to the Vatican."

No. 1.

The Marquis of Salisbury to Sir J. Savile.

Sir, *Foreign Office, November 7*, 1887.

THE Queen, being desirous of expressing her sense of the courtesy shown to her by the Pope in sending Mgr. Ruffo Scilla on a Special Mission to convey His Holiness' congratulations on Her Majesty's Jubilee, proposes to accredit the Duke of Norfolk in the character of her Special Envoy to His Holiness for that purpose.

I have to request that your Excellency will make a communication to Signor Crispi to this effect.

I am, &c.
(Signed) SALISBURY.

No. 2.

The Marquis of Salisbury to Cardinal Howard.

Your Eminence, *Foreign Office, November* 10, 1887.

THE Queen, my august Sovereign, in a letter to His Holiness the Pope, expressed her great gratification at the courtesy shown to her by the Mission of Mgr. Ruffo Scilla to convey His Holiness' congratulations on the celebration of the fiftieth anniversary of her reign.

Her Majesty is now desirous of expressing further her sense of the courtesy shown by His Holiness, and proposes to accredit the Duke of Norfolk on a Special Mission to the Vatican for that purpose.

I have received the Queen's commands to request that your Eminence will be good enough to acquaint His Holiness with Her Majesty's desire, and that you will inform me whether the proposed Mission, and the selection of the Duke of Norfolk as Her Majesty's Envoy, will be agreeable to His Holiness.

I have, &c.
(Signed) SALISBURY.

No. 3.

The Marquis of Salisbury to Sir J. Savile.

Sir, *Foreign Office, November* 10, 1887.

I TRANSMIT to you a letter which I have addressed, by the Queen's commands, to Cardinal Howard;* and I have to request that you will forward the same to his Eminence.

A copy of the letter is inclosed for your information.

I am, &c.
(Signed) SALISBURY.

---

* No. 2.

No. 4.

The Marquis of Salisbury to Sir J. Savile.

Sir, *Foreign Office, November* 16, 1887.

THE Italian Chargé d'Affaires at this Court expressed to me to-day Signor Crispi's gratification at having been informed by your Excellency of the intention of Her Majesty to send the Duke of Norfolk as Special Envoy to the Pope.

M. Catalani stated further that the fact of this intention having been communicated in the first instance to the Italian Government was an additional proof of the intimate relations existing between the two countries.

I am, &c.

(Signed) SALISBURY.

No. 5.

Sir J. Savile to the Marquis of Salisbury.—(Received November 21.)

My Lord, *Rome, November* 16, 1887.

WITH reference to your Lordship's despatch of the 10th instant, containing a letter for Cardinal Howard, which I at once forwarded to his Eminence, I have now the honour to inclose a letter addressed by him to your Lordship on the subject of the proposed Mission of the Duke of Norfolk to the Vatican on the occasion of the Pope's Jubilee.*

I have, &c.

(Signed) J. SAVILE.

No. 6.

Cardinal Howard to the Marquis of Salisbury.—(Received November 21.)

My Lord, *Rome, November* 16, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 10th instant, informing me of Her Majesty's desire to send a Mission to the Holy Father on the occasion of His Holiness' Jubilee, and to appoint the Duke of Norfolk as her Special Envoy on that occasion, and also requesting me to submit the name of the Duke to His Holiness for his approval.

Finding that a messenger from Her Majesty's Embassy was about to leave Rome at once for London, and wishing to profit by this opportunity, I forwarded your Lordship's letter to the Cardinal Secretary of State, as I should have been unable to obtain an audience myself of His Holiness in time to send an immediate answer; and I have now the honour to inclose, for Her Majesty's information, translation of the reply which I have received from Cardinal Rampolla, in accordance with His Holiness' instructions.

Trusting that this will meet with all your Lordship's wishes, I have, &c.

(Signed) EDWARD Card. HOWARD.

Inclosure in No. 6.

Cardinal Rampolla to Cardinal Howard.

(Translation.)

Your Eminence, *Rome, November* 16, 1887.

I HASTENED to inform the Holy Father of the gracious intention of Her Majesty Queen Victoria, communicated to you in a letter from his Excellency the Marquis of Salisbury. His Holiness understood therefrom that Her Majesty, not satisfied with the most courteous letter in which she expressed her gratification at the Mission intrusted to Mgr. Ruffo Scilla on the occasion of the fiftieth anniversary of her reign, intends now to

* See No. 6.

express her satisfaction still further by proposing to accredit the Duke of Norfolk for that purpose on a Special Mission to the Vatican.

The Holy Father, who attaches the greatest value to entertaining amicable relations with the English Government, which, both in the United Kingdom and in its immense Colonies, has so great a number of Catholic subjects, displayed the most marked gratification at this step on the part of Her Majesty, none the less on account of the nomination of the gentleman selected for the Mission, with such delicate regard, since the sentiments with which the noble Duke is animated towards the Holy See are well known to all.

Therefore, I beg your Eminence to inform his Excellency the Marquis of Salisbury that the Holy Father will not only receive Her Majesty's Envoy with the greatest pleasure, but that even now he expresses feelings of lively gratification thereat.

I avail, &c.

(Signed) M. Card. RAMPOLLA.

No. 7.

The Marquis of Salisbury to the Duke of Norfolk.

My Lord Duke, *Foreign Office, November* 28, 1887.

THE Queen having been graciously pleased to select your Grace to be Her Majesty's Special Envoy to His Holiness the Pope to express her thanks for the courtesy shown to her by the Mission of Mgr. Ruffo Scilla to convey His Holiness' congratulations on the fiftieth anniversary of her reign, I transmit to your Grace a letter which Her Majesty has addressed to His Holiness, accrediting you in that character.

A copy of Her Majesty's letter is also inclosed.

I am to desire that your Grace will proceed to Rome and request an audience in the usual form, at which you will present your credential letter, and you will add to the expressions in Her Majesty's letter such further expressions as may be suitable and proper for carrying out the object of your Mission.

I am, &c.

(Signed) SALISBURY.

Inclosure in No. 7.

Her Majesty the Queen to Pope Leo XIII.

Most Eminent Sir,

BEING desirous of expressing to your Holiness in a public and formal manner my sense of the courtesy shown to me by the Mission of Mgr. Ruffo Scilla to convey your Holiness' congratulations on the fiftieth anniversary of my reign, I have for that purpose accredited to your Holiness, in the character of my Special Envoy, the Duke of Norfolk, Earl of Surrey, Arundel, and Norfolk, a Peer of my United Kingdom, Earl Marshal and Hereditary Marshal of England, a Knight of my Most Noble Order of the Garter.

I feel assured that the choice which I have made will be perfectly agreeable to your Holiness, and that the Duke of Norfolk will prove himself worthy of this mark of my confidence. I therefore request that your Holiness will give entire credence to all that the Duke of Norfolk shall communicate to you in my name, more especially when renewing to your Holiness the assurance of my sincere friendship and of the unfeigned respect and esteem which I entertain for your person and character.

Given at our Court at Balmoral, the 15th day of November, 1887.

(Signed) VICTORIA R.I.

No. 8.

The Marquis of Salisbury to the Duke of Norfolk.

My Lord Duke, *Foreign Office, November* 28, 1887.

I HAVE to acquaint your Grace that the Queen has been pleased to signify her commands that Mr. M. Le Marchant H. Gosselin, Secretary to Her Majesty's Legation at

Brussels, shall be attached as Secretary to the Special Mission to His Holiness the Pope which Her Majesty has been pleased to confide to your Grace, and that Captain J. F. G. Ross of Bladensburg, Coldstream Guards, and the Honourable Gilbert Hastings shall be officially attached to the same Mission.

I have to add that the duty of keeping a detailed account of the expenses of the Mission should be intrusted to Mr. Gosselin, and upon your Grace's return you will transmit to me this account with the vouchers in support thereof.

I am, &c.
(Signed) SALISBURY.

No. 9.

The Marquis of Salisbury to Mr. Gosselin.

Sir, *Foreign Office, November* 28, 1887.

I HAVE to acquaint you that the Queen has been graciously pleased to approve of your being appointed Secretary to the Duke of Norfolk's Special Mission to His Holiness the Pope.

I am, &c.
(Signed) SALISBURY.

No. 10.

*The Marquis of Salisbury to Captain Ross of Bladensburg.**

Sir, *Foreign Office, November* 28, 1887.

I HAVE to acquaint you that the Queen has been graciously pleased to approve of your being attached to the Duke of Norfolk's Special Mission to His Holiness the Pope.

I am, &c.
(Signed) SALISBURY.

No. 11.

The Duke of Norfolk to the Marquis of Salisbury.—(*Received December* 19.)

My Lord, *Hôtel Bristol, Rome, December* 15, 1887.

I HAVE the honour to inform your Lordship that I arrived in Rome this morning, and have seen Cardinal Rampolla, who told me that His Holiness will receive me in audience on Saturday next, at 12 o'clock.

I received this morning from Sir Henry Ponsonby the autograph letter from the Queen for delivery to the Pope.

I have, &c.
(Signed) NORFOLK.

No. 12.

The Duke of Norfolk to the Marquis of Salisbury.—(*Received December* 22.)

My Lord, *Hôtel Bristol, Rome, December* 16, 1887.

I HAVE the honour to transmit herewith translation of a note from the Cardinal Secretary of State, expressing the satisfaction felt by the Pope at the arrival in Rome of Her Majesty's Special Mission, and appointing 12 o'clock to-morrow for my audience at the Vatican.

I have, &c.
(Signed) NORFOLK.

---

* Also to the Honourable Gilbert Hastings.

Inclosure in No. 12.

Cardinal Rampolla to the Duke of Norfolk.

Eccellenza, *Roma*, 16 *Decembre*, 1887.

UNA Missione cotanto graziosa quanto lo è quella che piacque a Sua Maestà la Regina d'Inghilterra di affidare alla Eccellenza vostra non può a meno di procurare al Santo Padre una soddisfazione del tutta viva et particolare. E vuole che del suo aggradimento si abbia eziandio prova nella sollicitudine onde desidera che compia ella l'onorevole incarico.

Ha quindi stabilito che il ricevimento della Eccellenza vostra, in forma solemne e nella Sala del Trono, abbia luogo domani, Sabato, 17 del corrente mese, alle ore 12 meredíane.

Recandomi a doverosa premura di porgere a vostra Eccellenza un tale avviso, e profittando di questa favorevole circonstanza, io la prego, &c.

(Firmato) M. Card. RAMPOLLA.

(Translation.)

Excellency, *Rome, December* 16, 1887.

A MISSION so gracious as that which it has pleased Her Majesty the Queen of England to confide to your Excellency cannot but give to the Holy Father a very lively and special satisfaction. He wishes that additional proof of his pleasure may be afforded by the solicitude with which he desires you should be enabled to discharge your honourable duty.

He has accordingly ordered that your Excellency's reception should take place to-morrow, Saturday, the 17th instant, at noon, in solemn audience in the Throne Room.

In hastening to give to your Excellency the above information, I avail, &c.

(Signed) M. Card. RAMPOLLA.

No. 13.

The Duke of Norfolk to the Marquis of Salisbury.—(Received December 22.)

My Lord, *Hôtel Bristol, Rome, December* 17, 1887.

I HAVE the honour to inform your Lordship that the Pope received me to-day at 12 o'clock in public audience. The Pope received me, accompanied by my suite, in the Throne Room in full State, the ceremonial being that which is reserved for the reception of Special Envoys from Crowned Heads.

On arriving in the Court of St. Damarus in the Vatican, we were received by some of the minor functionaries of the Papal Court, and were conducted up the grand staircase, preceded and followed by two of the Swiss guard. In the great hall a guard of honour of the Swiss guard was drawn up. In the first ante-room was a guard of honour of the gendarmerie, and in the second of the Palatine guard. We then arrived in a large waiting-room, where we were received by several Monsignori and by three Chamberlains in the picturesque Spanish costume which has been worn at the Papal Court during the last three centuries. Shortly after 12 o'clock we were taken through another room, in which a guard of honour of the Noble Guard was drawn up, and then, having been duly announced, were ushered into the Throne Room, where we found the Pope seated on a throne and surrounded by Monsignori, officers of the Noble Guard, Chamberlains, &c.

I then read in French the speech the text of which, both in English and French, I have the honour to inclose.

I then handed to the Pope my letters of credence. His Holiness then rose and delivered, without any notes, in French, the speech copy of which I also have the honour to transmit herewith.

He spoke with feeling and animation, and laid great stress on the expression of his public recognition of the liberty enjoyed by the Catholic Church throughout the vast dominions of the Queen.

When His Holiness had finished speaking he came down from the daïs, and I presented my suite, to each of whom the Pope spoke with great vivacity and geniality.

His Holiness then invited me to follow him, and took me into an adjoining room.

where he sat down in a State chair at the head of the room, and directed me to sit near him.

Before doing so, I handed to His Holiness the autograph letter of the Queen, which he at once read with great and apparent satisfaction. He talked to me for more than half-an-hour most graciously, and in a keen and vigorous way. He dwelt with warmth on his joy on the Queen's friendliness in sending this Mission, and expressed his strong conviction that great good would result from a thorough understanding and mutual confidence existing between Great Britain and the Holy See. At the end of the audience His Holiness ordered my suite to be introduced into the room, and again talked to them with the utmost cordiality. He told Mr. Gosselin of his having met Her Majesty in Brussels when he was Nuncio in that capital, and spoke with feeling of the Queen's frank and gracious bearing towards him.

It was very gratifying to us all to hear the hearty and unaffected way in which His Holiness referred to what had passed on that occasion, and to see how lasting and happy had been the impression it had produced upon his mind.

Before dismissing us the Pope called me into an inner room, and handed to me the inclosed copy of his speech.

On leaving the Pope's audience room, I was conducted, with the same State as before, accompanied by my suite, to pay my respects to the Cardinal Secretary of State.

Cardinal Rampolla received me with much cordiality, and said how keen was the satisfaction he felt at the arrival of the Mission. He spoke also of the fact that in every quarter a deep-seated respect for our Queen was to be found, and said how worthy was Her Majesty from her personal character of this feeling which she had called forth.

At the conclusion of our audience with Cardinal Rampolla, we were escorted back to our carriages with the same State as that with which we had been received.

It is very evident that not only the Pope, but all who surround him, are much pleased at the Mission with which I have been intrusted. On all sides there appears to be a sense of pain that England has so long held aloof from the Holy See, and a strong belief that, if any such disposition could be abandoned, mutual advantage would result from the establishment of a feeling of friendliness and confidence.

In conclusion, I beg to inclose copy (with translation by Captain Ross of Bladensburg) of an article on my audience published in this evening's official "Osservatore Romano."

I have, &c.
(Signed) NORFOLK.

Inclosure 1 in No. 13.

English Text of the Duke of Norfolk's Speech on presenting his Credentials to Pope Leo XIII, December 17, 1887.

Holy Father,

HER Majesty the Queen, my most gracious Sovereign, having been pleased to select me as Her Majesty's Special Envoy to express to your Holiness, in a public and formal manner, her sense of the courtesy shown by the Mission of Mgr. Ruffo Scilla to convey your Holiness' congratulations on the fiftieth anniversary of her reign, I have the honour to present to your Holiness Her Majesty's letter accrediting me for that purpose.

Her Majesty has commanded me to say that, in confiding to me this high mission, she has been moved not only by a desire to acknowledge this proof of your Holiness' good-will towards her, but also to give expression to her feeling of deep respect for the elevated character and Christian wisdom you have displayed in your high position.

The temperate sagacity with which your Holiness has corrected errors and assuaged differences from which much evil might otherwise have arisen inspires Her Majesty with the earnest hope that life and health may long be granted to you, and that your beneficent action may be long continued.

In conclusion, I beg leave to be permitted to express to your Holiness how very sensible I am of the honour which has been conferred upon me by my gracious Sovereign in selecting me for this high mission, and in making me the interpreter of Her Majesty's sentiments on this occasion.

Inclosure 2 in No. 13.

French Text of the Duke of Norfolk's Speech on presenting his Credentials to Pope Leo XIII, December 17, 1887.

Saint-Père,

SA Majesté la Reine ma très gracieuse Souveraine a daigné me désigner son Envoyé Spécial, dans le but d'offrir à votre Sainteté l'expression formelle et publique des sentiments d'appréciation que lui a inspiré la Mission courtoise de Mgr. Ruffo Scilla, qui fut chargé de présenter les félicitations de votre Sainteté à Sa Majesté, à l'occasion du cinquantième anniversaire de son règne.

J'ai l'honneur de déposer entre les mains de votre Sainteté la lettre de Sa Majesté m'accréditant à cet effet.

Je dois déclarer, d'ordre de la Reine, qu'en me confiant cette haute mission, Sa Majesté a désiré non seulement reconnaître ce témoignage de bienveillance de la part de votre Sainteté envers sa personne, mais formuler aussi l'assurance des sentiments de profond respect qu'elle éprouve pour le caractère élevé et la sagesse Chrétienne dont votre Sainteté a fait preuve dans l'exercice de ses hautes fonctions.

La sagacité pleine de modération avec laquelle votre Sainteté a su réprimer les erreurs, et calmer les différends qui auraient pu devenir la cause de bien des maux, inspire à Sa Majesté les vœux les plus sincères pour la prolongation des jours de votre Sainteté, pour la conservation de sa santé, et pour qu'il lui soit accordé d'exercer longtemps encore la bienfaisante influence de ses vertus.

Je prie votre Sainteté de vouloir me permettre, en conclusion, de lui exprimer combien je suis pénétré de l'honneur qui m'a été fait par ma très gracieuse Souveraine en m'appelant à remplir cette haute mission, et en me faisant l'interprète de ses sentiments en cette occasion.

Inclosure 3 in No. 13.

Speech of Pope Leo XIII to the Duke of Norfolk on presenting his Credentials, December 17, 1887.

M. le Duc,

CE fut avec bonheur, il y a six mois, que nous nous fîmes représenter à Londres par un Envoyé Spécial, chargé d'offrir, en notre nom, à Sa Majesté la Reine d'Angleterre, nos félicitations pour le cinquantième anniversaire de son glorieux avènement au trône.

Non moins grande est notre joie aujourd'hui, en recevant de vous, M. le Duc, de la part de la Reine votre Souveraine, les mêmes félicitations et compliments à l'occasion de notre Jubilé Sacerdotal. C'est avec reconnaissance que nous agréons la lettre de Sa Majesté, et nous la remercions du choix qu'elle a fait de votre illustre personne (qui à tant de titres nous est si chère) pour nous la remettre en son nom. Nous voulons de plus, en ce jour particulièrement propice, attester publiquement notre grande satisfaction pour la liberté dont jouit la religion Catholique dans tous les vastes domaines de l'Empire Britannique, et qui lui permet de prospérer de plus en plus. Cet heureux résultat, nous aimons à le reconnaître, est dû à la haute sagesse de Sa Majesté, et à l'esprit éclairé de son Gouvernement.

Veuillez, M. le Duc, interpréter nos sentiments auprès de Sa Majesté la Reine, pour laquelle nous formons les vœux les plus ardents de gloire et de prospérité.

(Translation.)

M. le Duc,

IT was with pleasure six months ago that we were represented in London by a Special Envoy charged to offer in our name to Her Majesty the Queen of England our congratulations on the fiftieth anniversary of her glorious accession to the throne.

No less great is our joy to-day, in receiving from you, M. le Duc, on behalf of the Queen your Sovereign, the same congratulations and compliments on our Sacerdotal Jubilee. We acknowledge with gratitude Her Majesty's letter, and we thank her for the choice that she has made of your illustrious self (who is, for so many reasons, dear to us) to deliver it to us in her name. We wish the more, on this particularly propitious day, to attest publicly our great satisfaction for the liberty which the Catholic religion enjoys in all the vast dominions of the British Empire, and which permits it to prosper more and more. This happy result, we are glad to acknowledge, is due to the great wisdom of Her Majesty, and to the enlightened spirit of her Government.

Will you have the goodness, M. le Duc, to interpret our feelings to Her Majesty the Queen, for whom we form the most ardent wishes of glory and prosperity?

Inclosure 4 in No. 13.

Extract from "L'Osservatore Romano" of December 17, 1887.

CIRCA il mezzogiorno di oggi sua Eccellenza il Duca di Norfolk, Inviato Speciale di Sua Maestà la Regina Vittoria d'Inghilterra, si è recato in grande divisa al Palazzo Apostolico del Vaticano, per essere ricevuto in udienza solenne dalla Santità ni nostro Signore.

Il nobilissimo Duca era accompagnato da Sir Le Marchant-Gosselin, primo Segretario; dal Capitano Ross de Bladensburg, Capitano nel Segondo Reggimento della Guardia Reale a piedi, Segondo Segretario; e dall'Onorevole Gilberto Hastings, addetto, che indossavano le proprie uniformi.

Sua Eccellenza il Duca di Norfolk è stata incontrata a piè della Scala Papale, accolta quindi nelle varie sale ed introdotta finalmente in quella del Trono collo stesso ceremoniale seguito per Sua Altezza Serenissima il Principe di Liechtenstein nella udienza solenne di ieri, ricevendo l'Eccellenza sua al passaggio per le Anticamere Pontificie, gli oniri militari dai vari Corpi ivi di guardia.

Sua Eccellenza il Duca di Norfolk rimetteva nelle mani del Santo Padre una lettera autografa di Sua Maestà la Regina Vittoria, accompagnando quest'atto con riverenti parole che Sua Santità si degnava contracambiare con una noblissima risposta.

Terminata l'udienza, sua Eccellenza il Duca di Norfolk, accompagnato con lutti gli onori a lui dovuti, passava insieme al suo seguito a complimentare l'Eminentissimo e Reverendissimo Signor Cardinal Rampolla, Segretario di Stato, dal quale era ricevuto coi coi riguardi degni dell'alta sua rappresentanza.

Domani sera l'Eminentissimo Signor Cardinale Segretario di Stato di Sua Santità darà un pranzo in onore di Sua Altezza Serenissima il Principe di Liechtenstein e di Sua Eccellenza il Duca di Norfolk.

(Translation.)

TO-DAY about noon his Excellency the Duke of Norfolk, the Special Envoy of Her Majesty the Queen Victoria of England, went in full uniform to the Apostolic Palace of the Vatican, to be received in solemn audience of His Holiness the Pope.

The most noble Duke was accompanied by Mr. Le Marchant Gosselin, First Secretary; by Captain Ross of Bladensburg, Coldstream Guards; and by the Honourable Gilbert Hastings, attached to the Mission, who wore their uniforms.

His Excellency the Duke of Norfolk was met at the bottom of the Pontifical staircase, received in the various rooms, and finally introduced into the Throne Room, with the same ceremony which was followed in the case of his Serene Highness Prince Liechtenstein, who was yesterday received in solemn audience. His Excellency, as he passed through the Pontifical ante-chambers, was received with military honours by the various corps who were on guard in each.

His Excellency the Duke of Norfolk placed in the hands of the Holy Father an autograph letter from Her Majesty Queen Victoria, and accompanied this act with words of deep respect, which His Holiness was pleased to reply to by a very gracious speech.

The sovereign audience being terminated, his Excellency the Duke of Norfolk passed on with all the honours that were due to him, and accompanied by his staff, to compliment his Most Reverend Eminence Cardinal Rampolla, the Secretary of State, by whom he was received with that regard which was due to his high position.

To-morrow evening his Eminence the Cardinal Secretary of State of His Holiness will give a dinner in honour of his Serene Highness Prince Liechtenstein and of his Excellency the Duke of Norfolk.

No. 14.

The Duke of Norfolk to the Marquis of Salisbury.—(*Received December* 29.)

My Lord, *Hôtel Bristol, Rome, December* 26, 1887.

ON receiving your Lordship's telegram of the 21st instant,* informing me that the present offered by the Queen to the Pope would reach Rome this morning, I requested the Cardinal Secretary of State to take His Holiness' pleasure with regard to the manner and occasion of presenting it.

His Eminence having informed me that the Pope would receive me to-day at noon, I proceeded this morning in uniform to the Vatican, accompanied by my suite.

The Pope received me alone, and handed to me an autograph letter for Her Majesty.

After conversing with me most graciously for over a quarter of an hour His Holiness passed into the Throne Room, and summoned me and the members of Her Majesty's Special Mission to the foot of the Throne.

I then presented from the Queen the ewer and basin.

The Pope expressed his lively satisfaction at receiving a present from the Queen, for which he emphatically begged me to convey to Her Majesty his heartfelt thanks, and he renewed in the most earnest terms his wishes for the personal prosperity of the Queen, of the Royal Family, and of all the subjects of the British Crown.

The Cardinal Secretary of State has twice told me of the very great satisfaction with which the Pope has spoken to him of the terms in which the Queen expressed herself in the autograph letter which I had the honour to present to His Holiness from Her Majesty.

As I have had the honour to inform your Lordship by telegraph, I propose to start this evening for London, where I hope to arrive on Thursday evening.

I have, &c.
(Signed) NORFOLK.

No. 15.

The Marquis of Salisbury to the Duke of Norfolk.

My Lord Duke, *Foreign Office, January* 11, 1888.

I HAVE received and laid before the Queen the despatches in which your Grace reported your proceedings in execution of the Mission intrusted to you by Her Majesty to His Holiness the Pope, and I am commanded by the Queen to signify to your Grace Her Majesty's entire approbation of your conduct on this occasion.

I am, &c.
(Signed) SALISBURY.

No. 16.

The Duke of Norfolk to the Marquis of Salisbury.—(*Received February* 15.)

My Lord, *Hôtel de Rome, Rome, January* 30, 1888.

I HAVE the honour to send to your Lordship a letter from His Holiness addressed to the Queen, and also a copy of it.

This letter and copy were sent to me by Cardinal Rampolla on the 10th instant, and I have acknowledged to his Eminence the receipt of them.

I should have forwarded them at once to your Lordship had I not hoped to have come back to England before now, in which case I thought it would have been better to bring the letter myself.

I have, &c.
(Signed) NORFOLK.

---

* Not printed.

Inclosure in No. 16.

Letter from the Pope to Queen Victoria.

(Translation.)

To the Most Serene and Most Powerful Victoria, Queen of the United Kingdom of Great Britain and Ireland, and other regions, Illustrious Empress of India.

LEO, P.P. XIII.

MOST Serene and Most Powerful Queen and Empress, greeting! The most noble act of courtesy with which your Royal and Imperial Majesty has honoured us at the close of the fiftieth year of our Ministry in the Priesthood possesses all the qualities which should render it to us most gratifying.

For the distinguished kindness and regard of your Majesty towards us are most signally displayed in the letter, full of courtesy, which we have received; they are displayed in the choice of the noble person of our beloved son, the Illustrious and Honourable Duke of Norfolk, to discharge the office of your Envoy to us; they are displayed also in the magnificent gift which you have presented to us, and which will remain in our Palace as a lasting memento of your kindness.

For all these reasons we rejoice to assure your Majesty in this our letter of our most lively sense of gratitude, which the illustrious Envoy of your Majesty will more fully declare to you. For we have earnestly charged him to be the messenger and interpreter in his own words, and in your presence, of our esteem and mutual regard for your Majesty.

The cordial good-will which your Majesty has expressed in your letter to us is valued by us most highly, and we assure you that to us it is, and ever will be, most gratifying.

It only remains for us to implore the King of Kings to grant to your Majesty, who, with the assistance of most able and distinguished men, wields the sceptre of a mighty Kingdom and Empire, all those gifts which may cause the lasting glory of your name to grow greater day by day.

And while this is our fervent prayer, we also earnestly entreat the Divine Mercy to prosper and bless your Royal and Imperial Majesty and all your august house, and to unite you with us in perfect charity.

Given at Saint Peter's, Rome, the 3rd day of January, 1888, in the tenth year of our Pontificate.

(Signed) LEO, P.P.* XIII.

No. 17.

The Marquis of Salisbury to the Duke of Norfolk.

My Lord Duke, *Foreign Office, February 23, 1888.*

I HAVE the honour to acknowledge the receipt of your Grace's note of the 30th ultimo, in which you transmit a letter forwarded to you by Cardinal Rampolla from His Holiness the Pope to the Queen, and I have to request that you will inform his Eminence that I have not failed to lay His Holiness' letter before Her Majesty.

I am, &c.

(Signed) SALISBURY.

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* That is "Paparum," of the Popes bearing that name.

MISCELLANEOUS. No. 2 (1890).

CORRESPONDENCE respecting the Duke of Norfolk's Special Mission to the Pope.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated August 11, 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

MISCELLANEOUS. No. 3 (1890).

CORRESPONDENCE

RESPECTING

MONSIGNOR RUFFO SCILLA'S MISSION.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated August 11, 1890.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, ST. MARTIN'S LANE,
PRINTERS IN ORDINARY TO HER MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C., AND
32, ABINGDON STREET, WESTMINSTER, S.W.; OR
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, AND
88 and 90, WEST NILE STREET, GLASGOW; OR
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

[C.—6137.] *Price* 1*d.*

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RETURN to an Address of the Honourable the House of Commons, dated August 11, 1890; *for*—

"A Return of all Papers relating to the Mission of Monsignor Ruffo Sciila from the Vatican to this Country."

No. 1.

Cardinal Howard to the Marquis of Salisbury.—(*Received May* 16, 1887.)

My Lord, *Rome, Via del Gesù* 62, *Palazzo Berardi*, [*no date*].

ALREADY the intention of the different Sovereigns and Courts of Europe is announced of sending next June, on occasion of the fiftieth anniversary of the reign of Her Majesty the Queen of England, their Representatives to celebrate the happy event, and present their felicitations to Her Majesty, in the same manner as was done on the occasion of the ninetieth anniversary of His Majesty the Emperor of Germany.

His Holiness Leo XIII is intentioned, on occasion of the same happy event next June in England, to send a Prelate from his Court to bear to Her Majesty his felicitations.

His Holiness has consequently deigned to charge me with the honourable office of informing your Lordship of his intentions in this matter, first of all with the object of being informed whether the mission of a Pontifical Representative on such an occasion would be acceptable to the august Sovereign, and at the same time correspond with the views of her Government. In the hope that I may be favoured with an answer to these questions, it is with much pleasure that I profit by this occasion of expressing to your Lordship my feelings of deep respect.

(Signed) EDWARD Card. HOWARD.

No. 2.

The Marquis of Salisbury to Cardinal Howard.

Your Eminence, *Foreign Office, May* 20, 1887.

I HAVE laid before the Queen, my most gracious Sovereign, your letter received on the 16th instant, in which you acquaint me that His Holiness Leo XIII proposes to send a Pontifical Representative to congratulate Her Majesty on the celebration of the fiftieth anniversary of her reign; and I am now commanded to inform your Eminence that it will give the Queen great pleasure to see the Pontifical Representative at Her Majesty's Jubilee festivities.

I have, &c.

(Signed) SALISBURY.

No. 3.

Cardinal Rampolla to the Marquis of Salisbury.—(*Received June* 18.)

Eccellenza, *Roma, 7 Giugno*, 1887.

CINQUANTA anni di glorioso e benefico regno passati da Sua Maestà la Regina Vittoria sul Trono d'Inghilterra sono ben giuste ragioni pei sudditi del suo immenso impero di celebrarne con entusiasmo il prossimo complimento.

Il Santo Padre, che ha numerosissimi fedeli tra questi sudditi, prende viva parte alla gioia comune, e non vuol mancare di essere rappresentato alle feste che avranno luogo per si fausta ricorrenza. Ha destinato perciò di porgere per mezzo di un Inviato

Straordinario le sue felicitazioni alla Maestà Sua ed ha prescelto all' uopo Mgr. Luigi, Arcivescovo titolare di Petra, Principe Ruffo Scilla, destinato Nunzio Apostolico presso la Reale Corte di Baviera, che deve rassegnare alla virtuosa Sovrana apposita lettera Pontificia.

Prego pertanto la Eccellenza vostra a volere accogliere il degno Prelato colla cortesia che tanto la distingue e di facilitargli l'adempimento della sua onorevole missione.

Profitto, &c.
(Firmato) M. Card. RAMPOLLA.

(Translation.)

Excellency, *Rome, June 7*, 1887.

THE fifty years of the glorious and beneficent reign passed by Her Majesty Queen Victoria on the Throne of England are, indeed, a sufficient reason for her subjects throughout her vast Empire to celebrate the approaching completion of the period with enthusiasm.

The Holy Father, who has numerous faithful among her subjects, fully shares in the common joy, and wishes to be represented at the festivities which will take place on the auspicious occasion. He has therefore decided to present his congratulations to Her Majesty by an Envoy Extraordinary, and has chosen for the purpose Mgr. Luigi, titular Archbishop of Petra, Prince Ruffo Scilla, who has been selected to be Apostolic Nuncio at the Court of His Bavarian Majesty, who will deliver to the virtuous Queen a letter from the Pontiff suited to the occasion.

In the meantime, I beg your Excellency to receive that worthy Prelate with the courtesy which distinguishes you, and to facilitate the accomplishment of his honourable mission.

I avail, &c.
(Signed) M. Card. RAMPOLLA.

No. 4.

Pope Leo XIII to Her Majesty the Queen.

Majesté, *Du Vatican, le* 10 *Juin*, 1887.

VOILÀ cinquante ans que votre Majesté, élevée au Trône d'Angleterre, a su, par un règne glorieux et bienfaisant, conquérir l'amour des sujets de son immense Empire et l'admiration universelle des nations. Aujourd'hui votre Majesté recueille un fruit précieux de ses hautes qualités et des soins maternels dont elle a entouré son peuple dans les démonstrations extraordinaires d'affection que celui-ci prodigue, en ce joyeux anniversaire, et dans les témoignages de respectueuses congratulations que de leur côté lui offrent les Souverains et les Gouvernements de tous les pays. Pour notre part, comme Chef de l'Église Catholique, qui compte de si nombreux fidèles parmi les sujets de votre Majesté, et connaissant la pleine et entière liberté que, dans sa clairvoyante justice, elle assure à l'exercice de leur culte, nous ne saurions nous abstenir de nous faire représenter à ces communes fêtes, et de renouveler à votre Majesté l'hommage des sentiments de gratitude et de haute estime que dès le temps de notre Nonciature à Bruxelles nous eûmes l'occasion de lui exprimer personnellement; nous avons choisi, en conséquence, le Prince Ruffo Scilla, futur Nonce Apostolique près la Royale Cour de Bavière, afin qu'il remette à votre Majesté la présente lettre, par laquelle nous lui offrons nos plus vives félicitations, en même temps que nous prions instamment le Seigneur qu'il daigne prolonger jusqu'à leur dernière limite les jours de votre Majesté pour le plus grand bien de ses peuples et pour la joie et la consolation de toute la Royale Famille. A cette prière nous joignons les vœux les plus ardents qu'il plaise à Dieu de rendre de plus en plus étroites les relations de mutuelle bienveillance qui unissent le Saint-Siège et le puissant et glorieux Empire Britannique et qui ne manqueront pas d'être, pour les deux Pouvoirs, une source féconde des plus grands et plus précieux avantages.

(Signé) LEO P.P. XIII.

(Translation.)

Your Majesty, *The Vatican, June* 10, 1887.

IT is now fifty years since your Majesty, raised to the Throne of England, has known how, by a glorious and beneficent reign, to conquer the love of the subjects of your immense Empire, and the universal admiration of all nations. To-day your Majesty

receives a precious fruit of the high qualities and maternal cares with which you have surrounded your people, in the extraordinary demonstrations of affection which they shower upon you on this joyful anniversary, and in the testimony of respectful congratulations which, on their side, the Sovereigns and Governments of all countries offer to you. For our part, as Chief of the Catholic Church, which counts so many faithful among the subjects of your Majesty, and knowing the full and entire liberty which, in your clear-seeing justice, you assure to the exercise of their religion, we are unable to abstain from being represented at these rejoicings, and from renewing to your Majesty the testimony of the sentiments of gratitude and high esteem which, at the time of our Nunciature at Brussels, we had the opportunity of personally expressing to you. We have therefore chosen Prince Ruffo Scilla, future Apostolic Nuncio at the Court of Bavaria, to place this letter in your Majesty's hands, in which we offer to you our most sincere congratulations, while at the same time we earnestly pray the Lord that he may deign to prolong to the furthest limit your Majesty's days, for the great good of your people and for the joy and consolation of all the Royal Family. To this prayer we add the most sincere wishes that it may please God to draw nearer and nearer together the relations of mutual good-will which unite the Holy See and the powerful and glorious British Empire, and which will ever be a fruitful source of the greatest and most precious advantages to both Powers.

(Signed) LEO P.P. XIII.

No. 5.

The Marquis of Salisbury to Cardinal Rampolla.

Your Eminence, *Foreign Office, July* 15, 1887.

I HAVE had the honour of receiving the letter which you addressed to me on the 7th ultimo, and in which you informed me that His Holiness the Pope had selected Mgr. the Prince Louis Ruffo Scilla, Titular Archbishop of Petra, and Nuncio at the Court of Munich, to be His Holiness' Envoy Extraordinary to attend the celebration of the Jubilee of the Queen, my august Sovereign.

I have the honour to acquaint your Eminence, in reply, that the selection of so distinguished a Prelate to convey His Holiness' congratulations on this occasion has caused the Queen and Her Majesty's Government the most sincere gratification.

I have, &c.

(Signed) SALISBURY.

No. 6.

Her Majesty the Queen to Pope Leo XIII.

Most Eminent Sir,

I HAVE received from the hands of the Prince Ruffo Scilla, your Holiness' Special Envoy Extraordinary, the letter which your Holiness addressed to me on the 10th ultimo, and in which you convey to me your congratulations on the celebration of the fiftieth anniversary of my accession to the Throne. I request your Holiness to accept my best thanks for the friendly sentiments and felicitations conveyed in your letter, which have caused me the most sincere gratification. I have also derived additional pleasure from the choice which your Holiness made of so distinguished a Prelate to be the bearer of your congratulations. I thank you at the same time for the beautiful specimen of artistic manufacture which your Holiness has been pleased to present to me on this occasion; and I am happy in having this opportunity of assuring your Holiness of my sincere friendship, and of the unfeigned respect and esteem which I entertain for your person and character.

Given at our Court at Windsor Castle, the 18th day of July, 1887.

(Signed) VICTORIA R. I.

MISCELLANEOUS. No. 3 (1890).

CORRESPONDENCE respecting Monsignor Ruffo Scilla's Mission.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated August 11, 1890.

LONDON:

PRINTED BY HARRISON AND SONS.

AMENDED AGREEMENT

BETWEEN

THE POST OFFICE

OF

THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

AND

THE DEPARTMENT OF COMMUNICATIONS

OF THE

EMPIRE OF JAPAN

FOR AN

EXCHANGE OF MONEY ORDERS.

Dated the $\frac{\text{21st of March}}{\text{20th of May}}$ 1890.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

1890.

[C.—6128.] *Price* 1½*d.*

AMENDED AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Department of Communications of the Empire of Japan for an Exchange of Money Orders.

The Post Office of the United Kingdom of Great Britain and Ireland and the Department of Communications of the Empire of Japan being desirous of modifying the present system of exchange of Money Orders between the two countries, the undersigned, duly authorised for that purpose, have agreed upon the following Articles :—

Article I.

Exchange of Money Orders.

There shall be a regular weekly exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Empire of Japan.

Article II.

Offices of Exchange.

The Money Order Service between the contracting countries shall be performed exclusively by the agency of Offices of Exchange. On the part of the United Kingdom the Office of Exchange shall be London, and on the part of Japan, Tokio.

Article III.

Orders to be expressed in sterling money.

Conversion of amounts to be undertaken by the Japanese Office.

The amounts of Orders, in both directions, shall be expressed in sterling money, and on account of the frequent fluctuations in the rate of exchange between the two countries it is agreed that all amounts shall be converted into their proper equivalents by the Department of Communications of Japan, that is to say, the sums received in Japan for Orders drawn on the United Kingdom shall be converted by the Department of Communications of Japan into sterling money at the current rate of exchange; and the amounts of Orders drawn in the United Kingdom on Japan shall in like manner be rendered, by the Department of Communications of Japan, into the currency of Japan before payment is made.

Article IV.

Maximum amount of Order.

No fractional part of a penny allowed.

The maximum amount for which an Order may be drawn in either country upon the other shall be 10*l*.

No Money Order shall contain a fractional part of a penny.

Article V.

Payments to be made in gold or its nearest equivalents in value.

In order to prevent variations in payments of Money Orders to the public which might be caused by fluctuations of the silver currency, all Money Orders shall be paid in gold, or its nearest equivalents in value.

Article VI.

Commission.

The British Post Office and the Department of Communications of Japan shall each have the power to fix, from time to time, the rates of commission to be charged on all Money Orders they may respectively issue. The commission shall belong to the issuing office, but the Department of Communications of Japan shall pay to the Post Office of the United Kingdom one half of one per cent. on the amount of Orders issued in Japan and payable in the United Kingdom; and the British Post Office shall make a like payment to the Department of Communications of Japan for Money Orders issued in the United Kingdom and payable in Japan.

o 63700. Wt. 8268.

Article VII.

Particulars required for a Money Order.

No Money Order shall be issued unless the applicant furnish, in full, the surname and at least the initial of one Christian name, both of the remitter and the payee (or the corresponding names in the case of natives of Japan), or the name of the firm or company who are the remitters or payees, together with the full address of the payee. If, however, any applicant for a Money Order shall tender the name of either the remitter or payee at greater length, such particulars shall be received and advised accordingly.

Article VIII.

Duplicate Orders.

In the event of a Money Order miscarrying or being lost, or destroyed, a duplicate shall be granted on a written application from the payee (containing the necessary particulars) to the chief Money Order Office of the country where the original Order is payable; and such chief office shall be authorised to demand, in every such case, an additional commission on the amount of the Order, unless the Order shall have been lost in transmission through the Post.

Article IX.

Stoppage of payment.

On receipt of an application, containing the necessary particulars, from the payee, instructions shall be given to stop payment of a Money Order.

Article X.

Alteration of name of payee and other corrections to be made by country of issue.

When it is desired that any error in the name of the payee or remitter shall be corrected, or that the amount of a Money Order shall be repaid to the remitter, application must be made by the remitter to the chief office of the country in which the Order was issued, and such office shall be authorised to require, in either case, an additional commission, unless the application shall have been occasioned by a mistake on the part of the officer by whom the Order was issued.

Article XI.

Repayment of Orders.

Repayment, whether of an original or by means of a duplicate Order, shall not be made to the remitter until it has been ascertained through the chief office of the country where such Order is payable that the Order has not been paid.

Article XII.

Forfeited Orders.

Orders shall be payable in each country during 12 months after the month of issue. The amounts of all Money Orders not paid before the expiration of that term shall revert to and remain the property of the country of issue (*see* Article XVIII.).

Article XIII.

Exchange of weekly advice lists.

The Offices of Exchange shall communicate, each to its corresponding office, by the weekly mail the sums received in each of the respective countries for payment in the other. They shall use for this purpose the form of List A. annexed.

A blank list shall be transmitted by the mail named above in case there shall be no payment to announce.

In order to prevent inconvenience in case the original lists should be lost, each office shall forward by the following mail a duplicate of the list sent by the preceding mail.

Article XIV.

Orders to bear international numbers.

Every Money Order or receipt for money entered on the lists shall bear a distinctive serial number (to be known as the "international number"), commencing each month with No. 1.

Each list despatched shall also be numbered consecutively 1, 2, 3, &c. in the order of despatch, commencing at the beginning of each year with No. 1.

Article XV.

The receipt of each list shall be acknowledged on either side by means of the first subsequent list forwarded in the opposite direction, and the lists which fail to be received shall be immediately applied for by the Office of Exchange to which they should have been sent. The despatching Office of Exchange shall in such case transmit without delay to the receiving Office of Exchange a duplicate list certified as such.

Acknowledgment of lists.

Article XVI.

The lists shall be carefully verified by the Office of Exchange to which they are sent, and corrected when they contain manifest errors. The corrections shall be communicated to the despatching Office of Exchange in the acknowledgment of the receipt of the list in which the corrections were made. When the lists shall show other irregularities the Office of Exchange receiving them shall require an explanation from the despatching Office of Exchange, which shall give such explanation with as little delay as possible. In the meantime the issue of Internal Money Orders relating to the entries on the list found to be irregular shall be suspended.

Lists to be verified.

Article XVII.

As soon as the list shall have reached the receiving Office of Exchange that office shall prepare Internal Money Orders in favour of the payees for the equivalents in the money of the country of payment of the amount specified in the list, and shall then forward such Internal Money Orders to the payees or to the paying offices in conformity with the arrangements existing in each country for the payment of Money Orders.

Internal Money Orders to be prepared.

Article XVIII.

As soon as all the lists relating to any month have been despatched from Japan, the Japanese Office shall prepare a General Monthly Account, in accordance with the Forms marked B., C., and D. in the Appendix, entering on the one side, in Form D., to the credit of the United Kingdom the total amount of the several lists despatched from Japan in the month, together with the commission on the aggregate total at the rate of one half of one per cent. as fixed by Article VI., and the amount of Orders authorised to be repaid in the United Kingdom during the month, and the amount of forfeited Orders (Article XII.).

On the other side shall be entered to the credit of Japan the total amount of the several lists received from the United Kingdom during the month, with commission on the aggregate total at the rate of one half of one per cent. as fixed by Article VI., the amount of Orders authorised to be repaid in Japan during the month, and the amount of forfeited Orders (Article XII.). The resulting balance shall then be shown under the proper heading in the Account. This course shall be pursued during the first 11 months of the year, but the General Account for the month of December in each year shall include in it the whole of the issues of Japan on the United Kingdom, and the whole of the issues of the United Kingdom on Japan, to the last day of the month. The General Monthly Account shall be transmitted in duplicate by the Japanese Office to the British Office, which shall return one copy of the Account duly accepted.

Money Order transactions to be included in a General Account to be furnished by the Department of Communications of Japan.

Article XIX.

Payment of balance.

When the Department of Communications of Japan has to pay the British Post Office the balance of the General Account, it shall pay such balance at the same time that it transmits the General Account; and a similar course shall be followed by the British Office when returning the accepted copy of the General Account.

The payment of the balance shall be made at Tokio or Yokohama when it is to the credit of Japan, and at London when it is to the credit of the United Kingdom, and always in the money of the country to which the payment is made.

Article XX.

Additional precautions and facilities.

The Minister of Communications of Japan on one part and the Postmaster General of the United Kingdom on the other part shall be authorised to adopt any additional rules, if not repugnant to the foregoing, for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, must be communicated to the Postal Administration of the other country.

Article XXI.

Power to increase commission or to suspend issue of Orders.

Should it appear that Money Orders are used by mercantile men, either in the United Kingdom or Japan, for the transmission of large sums of money, the British or Japanese Postal Administration, as the case may be, shall have the power of increasing the commission, and even of wholly suspending for a time the issue of Money Orders.

Article XXII.

Beginning and termination of Agreement.

This present Agreement shall be substituted for and shall take effect in lieu of all previous Conventions or arrangements relative to the exchange of Money Orders between the two countries, on the 1st day of July 1890, and shall continue in force until 12 months after either of the contracting parties shall have notified to the other its intention to terminate it.

Done in duplicate and signed in London on the 21st day of March 1890, and in Tokio on the 20th day of 5th month, 23rd year of Meiji (20th day of May 1890).

L. S.

(Signed) Henry Cecil Raikes,
Postmaster General of the United Kingdom
of Great Britain and Ireland.

L. S.

(Signed) Goto,
Minister of Communications of the Empire
of Japan.

(A.)

No. of List .

Stamp of Office.

LIST of MONEY ORDERS issued in the UNITED KINGDOM (and beyond) and payable in JAPAN.

Despatched by the Mail of the

Date of Issue.	International No. of Order.	No. of Order.	Office of Issue.	Name and Address of Remitter.	Full Name of Payee.	Address of Payee.	Amount in British Money.			For use of Japanese Office.	
										Amount in Japanese Money.	—
							£	s.	d.	Yen.	
						Totals -					

Money Order Office, London, the day of 18 .

To the Department of Communications, Tokio.

I have received your List, No. , of the 18 , relative to Orders drawn in Japan and payable to persons residing in the United Kingdom, showing a total in British money of £ s. d.

In return, I transmit to you, on the other side, a detailed Account of the amounts received for Orders payable in Japan, the particulars of which have reached this Office since the despatch of my last List.

I have the honour to be your obedient servant,

Controller.

7

(A.)

No. of List .

Office Stamp.

LIST of MONEY ORDERS issued in JAPAN and payable in the UNITED KINGDOM.

Despatched by the Mail of the .

Date of Issue.	International No. of Order.	No. of Order.	Office of Issue.	Name and Address of Remitter.	Full Name of Payee.	Address of Payee.	Amount in Japanese Money.	Amount in British Money.			For use of British Office.		
											No. of Order.	Office of Payment.	Remarks.
							Yen.	£	s.	d.			
						Totals - -							

Department of Communications, Tokio, the day of 18

To the Money Order Office, London.

I have received your List, No. , of the , 18 , relative to Orders drawn in the United Kingdom, and payable to persons residing in Japan, showing a total in British Money of £

In return, I transmit to you, on the other side, a detailed Account of the amounts received for Orders payable in the United Kingdom, the particulars of which have reached this Office since the despatch of my last List.

I have the honour to be your obedient servant,

Minister of Communications.

8

(B.)

Month , 18 .

LIST of MONEY ORDERS, authority for the repayment of which to the Remitters has been given to the Country of Issue during the Month above-mentioned.

Issued in the United Kingdom.						Issued in Japan.					
Date.	No. of Order.	Office of Issue.	Amount.			Date.	No. of Order.	Office of Issue.	Amount.		
			£	s.	d.				£	s.	d.
		Total - -						Total - -			

Tokio,

18 .

Minister of Communications of Japan.

(C.)

Month of , 18

LIST of MONEY ORDERS which have not been paid within Twelve clear Months after the Month of Issue and have, therefore, become forfeited.

Issued in the United Kingdom.						Issued in Japan.					
Date.	No. of Order.	Office of Issue.	Amount.			Date.	No. of Order.	Office of Issue.	Amount.		
			£	s.	d.				£	s.	d.
		Total -						Total - -			

Tokio,

18 .

Minister of Communications of Japan.

(D.)

Month of , 18 .

GENERAL ACCOUNT of the result of the Exchange of MONEY ORDERS between the UNITED KINGDOM of GREAT BRITAIN and IRELAND and the EMPIRE of JAPAN.

To credit of Japan.				Amount. £	s.	d.	To Credit of United Kingdom.				Amount. £	s.	d.
Orders issued in the United Kingdom and payable in Japan, viz.:—							Orders issued in Japan and payable in United Kingdom, viz.:—						
	£	s.	d.					£	s.	d.			
As per List No. -							As per List No. -						
" " -							" " -						
" " -							" " -						
" " -							" " -						
" " -							" " -						
" " -							" " -						
" " -							" " -						
" " -							" " -						
Commission at ½ of 1°/₀ on above -							Commission at ½ of 1°/₀ on above -						
Repaid Orders - - -							Repaid Orders - - -						
Void Orders - - -							Void Orders - - -						
Total Credit to Japan - -							Total Credit to United Kingdom -						
Balance due to United Kingdom							Balance due to Japan - -						

Tokio, 18 .

Minister of Communications of Japan.

COMMERCIAL. No. 3 (1890).

(GREAT BRITAIN AND JAPAN.)

AGREEMENT

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN AND JAPAN

FOR INCREASING THE

LIMITS OF WEIGHT AND THE DIMENSIONS OF PACKETS OF PATTERNS OF MERCHANDIZE

EXCHANGED THROUGH THE

POST BETWEEN THE TWO COUNTRIES.

Signed at London, October 31, 1887.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, ST. MARTIN'S LANE,
PRINTERS IN ORDINARY TO HER MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[C.—5900.] *Price* ½*d.*

AGREEMENT between the Governments of Great Britain and Japan for increasing the Limits of Weight and the Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries.

Signed at London, October 31, 1887.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of Japan, being desirous of facilitating the postal relations between the two countries, and in exercise of the power given to them under Article XV of the Convention of the Universal Postal Union concluded in Paris on the 1st June, 1878;

Have agreed as follows :—

The limits of weight and the dimensions of packets of patterns of merchandize exchanged through the letter post between the United Kingdom of Great Britain and Ireland on the one part, and the Empire of Japan on the other part, may be increased by the Postal Administration of the country of origin beyond those which have been fixed by Article V of the said Convention, under the express reservation that such limits shall not exceed the following :—

In weight	350 grammes.
In dimensions—	
Length	30 centimètres.
Breadth	20 ,,
Depth	10 ,,

The present Agreement shall take effect on the day that the Postal Administrations of the two countries shall fix upon. It may be terminated at any time upon notice being given twelve months in advance by either of the two Postal Administrations to the other.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done in duplicate at London, on the 31st day of October, 1887.

(L.S.) SALISBURY.
(L.S.) KAWASÉ.

COMMERCIAL. No. 3 (1890).

(GREAT BRITAIN AND JAPAN.)

AGREEMENT between the Governments of Great Britain and Japan for increasing the Limits of Weight and Dimensions of Packets of Patterns of Merchandize exchanged through the Post between the two Countries.

Signed at London, October 31, 1887.

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

CONVENTION

BETWEEN

THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

AND THE

KINGDOM OF NORWAY,

FOR

THE EXCHANGE

OF

POST OFFICE MONEY ORDERS,

Dated $\frac{12\text{th}}{17\text{th}}$ October 1889.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

1890.

[C.—5923.] *Price* 2*d.*

CONVENTION for an Exchange of Money Orders between the United Kingdom of Great Britain and Ireland and the Kingdom of Norway.

KONVENTION angaaende Udvexling af Postanvisninger mellem Kongeriget Norge og det Forenede Kongerige Storbritannien og Irland.

Article I.

Exchange of Money Orders.

Between the United Kingdom of Great Britain and Ireland and the Kingdom of Norway there shall be a regular exchange of money orders.

Artikel I.

Udvexling af Postanvisninger.

Mellem Kongeriget Norge og det Forenede Kongerige Storbritannien og Irland skal der foregaa en regelmæssig Udvexling af Postanvisninger.

Article II.

Offices of Exchange.

1. The money order service between the two countries shall be performed exclusively by means of Offices of Exchange.

2. The Office of Exchange on the part of the United Kingdom shall be that of London, and on the part of the Kingdom of Norway that of Christiania.

Artikel II.

Udvexlingskontorer.

1. Postanvisningsudvexlingen mellem de to Lande skal foregaa udelukkende gjennem Udvexlingskontorer.

2. Udvexlingskontoret paa Kongeriget Norges Side skal være Kristiania Omkarteringskontor og paa det Forenede Kongeriges Side London.

Article III.

Maximum amount of Orders.

The maximum amount for which a money order may be drawn in the United Kingdom upon Norway shall be 10*l.* sterling; and the maximum amount for which a money order may be drawn in Norway on the United Kingdom shall be one hundred and eighty-one (181) kroner twenty (20) öre.

Artikel III.

Maximumsbelöb for Postanvisninger.

Det höieste Belöb, for hvilket en Postanvisning kan trækkes i Norge paa det Forenede Kongerige, skal være et Hundrede en og otti (181) Kroner tyve (20) öre, og det höieste Belöb, for hvilket en Postanvisning kan trækkes i det Forenede Kongerige paa Norge, skal være 10*l.* sterling.

Article IV.

Payment in Gold Coin.

Payment in either country shall be made in gold coin, or its equivalent in the currency of such country.

Artikel IV.

Udbetaling i Guldmynt.

Udbetalingen skal i hvert Land foregaa i Guldmynt eller dennes tilsvarende Værdi i Landets gangbare Mynt.

Article V.

Commission.

1. The British and Norwegian Post Offices shall each have power to fix from time to time the rates of commission to be charged on all money orders they may respectively issue.

2. The commission so charged shall belong to the country of issue; but the British Post Office shall pay to the Norwegian Post Office one half of one per cent. on the amount of money orders issued in the United Kingdom and advised to Norway, and the Norwegian Post Office

Artikel V.

Gebyr.

1. Den norske og den britiske Poststyrelse skulle hver for sig kunne til enhver Tid bestemme Satserne for det Gebyr, der skal betales for de Postanvisninger, som vedkommende Land udsteder.

2. Dette Gebyr skal tilfalde Udstedelseslandet; men det norske Postvæsen skal betale til det britiske Postvæsen en halv Procent af Belöbet af Postanvisninger, udstedte i Norge paa det Forenede Kongerige, og det britiske Postvæsen skal betale et lignende Belöb af Postanvisninger,

o 61659. Wt. 20751.

shall make a like payment on the amount of money orders issued in Norway and advised to the United Kingdom.

3. Such payments shall be calculated on the totals of the Lists (A.) exchanged every month by the two countries.

udstedte i det Forenede Kongerige paa Norge.

3. Denne Betaling skal beregnes efter Totalsummerne i de Fortegnelser (A), som i Löbet af hver Maaned udvexles mellem de to Lande.

Article VI.

Rate of Exchange.

1. The conversion of the money of the two countries shall be in accordance with the average rate of exchange, which, it is agreed, shall be taken at 18 kroner 12 öre to the pound sterling.

2. The two offices are, however, authorised to fix, by common agreement, another rate of conversion, should the course of exchange between the two countries render such a step necessary.

3. No account shall be taken of any fraction of a penny, or of 4 öre.

Artikel VI.

Myntreduktion.

1. Konverteringen af de to Landes Mynt skal ske overensstemmende med Middelkursen, som man er kommet overens om at ansætte til 18 kroner 12 öre for 1*l.* sterling.

2. De to Poststyrelser ere dog bemyndigede til efter fælles Overenskomst at bestemme en anden Konverteringskurs, hvis Vexelkursen mellem de to Lande skulde gjöre et saadant Skridt nödvendigt.

3. Der skal ikke tages Hensyn til mindre Belöb end en Penny eller fire Öre.

Article VII.

Particulars required for a Money Order.

No money order shall be issued unless the remitter furnish, in full, the surname, and at least the initial of one Christian name both of the remitter and of the payee, or the name of the firm or company who are the remitters or the payees, together with the exact address of the person or firm to whom the money is to be paid, and the address of the remitter.

Artikel VII.

Regler at iagttage ved Postanvisninger.

Ingen Postanvisning skal udstedes, medmindre Afsenderen opgiver det fulde Tilnavn og i det mindste Begyndelsesbogstavet til et Fornavn saavel paa Afsenderen som paa Modtageren eller Navnet paa det Firma eller Kompagni, som er Afsender eller Modtager, tilligemed den nöiagtige Adresse paa den Person eller det Firma, til hvem Belöbet skal betales, og Afsenderens Adresse.

Article VIII.

Duplicate Orders.

1. In the event of a money order miscarrying or being lost, a duplicate shall be granted by the Chief Office of the country of payment on written application being made by the payee, and such Chief Office shall be authorised to demand a new commission, except when the order shall have been lost in transmission through the post.

2. On receipt of a similar application from the remitter, instructions shall be given to stop payment of the money order.

Artikel VIII.

Duplikat-Anvisninger.

1. I Tilfælde af, et en Postanvisning feilsendes eller gaar tabt, skal et Duplikat udstedes af Udvexlingskontoret i Udbetalingslandet paa skriftlig Anmodning af Adressaten, og skal Udvexlingskontoret have Adgang til at opkræve nyt Gebyr, undtagen naar Anvisningen er gaaet tabt under dens Befordring i Posten.

2. Ved Modtagelsen af en saadan Anmodning fra Afsenderen skal der gives Ordre til at standse Udbetalingen af selve Postanvisningen.

Article IX.

Alterations in names of payees.

Corrections of errors in the names of payees shall be effected by the Chief Office of the country of issue at the request of the remitter.

Such office shall be authorised to charge an additional commission when the error has been caused by erroneous information having been given by the remitter.

Artikel IX.

Rettelser af Adressaternes Navne.

Berigtigelser af Feil i Adressaternes Navne skal foretages af Udgangsland ets Udvexlingskontor paa Afsenderens Forlangende.

Udvexlingskontoret skal have Adgang til at opkræve et Tillægsgebyr, naar Feilen er bleven bevirket ved feilagtigt Opgivende af Afsenderen.

Article X.

Repayment of Orders.

Repayment of an order shall not, in any case, be made until it has been ascertained from the Chief Office of the country where such order is payable that the order has not been paid.

Artikel X.

Anvisningers Tilbagebetaling.

Tilbagebetaling af en Anvisning skal ikke i noget Tilfælde finde Sted, forinden Udvexlingskontoret i det Land, hvor Anvisningen skulde udbetales, har bekræftet, at Anvisningen ikke er bleven udbetalt.

Article XI.

Unpaid Money Orders.

Money orders shall remain payable in each country for twelve calendar months after the month of issue.

The amounts of all orders not paid before the expiration of that period shall revert to and be at the disposal of the administration of the country of origin.

Artikel XI.

Ubesörgede Postanvisninger.

Postanvisninger skulle i hvert Land være betalbare i 12 Kalendermaaneder efter Udstedelsesmaaneden.

Alle Postanvisningsbelöb, som ikke ere udbetalte inden Udlöbet af nævnte Frist, skulle falde tilbage til og staa til Disposition for Udgangslandets Poststyrelse.

Article XII.

Daily Lists, Supplementary Lists, and Blank Lists.

1. The two Offices of Exchange shall communicate to each other, daily, the sums received in each of the two countries for payment in the other. They shall use for this purpose the form of List A annexed.

2. The amounts of money orders issued in the United Kingdom for payment in Norway during the months of June and December in each year, and not reaching the Office of Exchange at London until the earlier days of the following months (July and January), shall be entered and communicated to the Office of Exchange at Christiania on lists supplementary to the ordinary list, dated the last day of the month of actual issue; and a like practice shall be followed by the Office of Exchange at Christiania in regard to orders issued in Norway for payment in the United Kingdom. But no supplementary list shall be despatched after the 16th of July and the 16th of January.

3. A blank list shall be transmitted when there are no orders to be advised.

Artikel XII.

Daglige Fortegnelser, Tillægs-Fortegnelser og Intet-Fortegnelser.

1. De to Udvexlingskontorer skulle meddele hinanden daglig de Summer, der ere modtagne i hvert af de to Lande for Udbetaling i det andet. De skulle i dette Öiemed benytte hosföiede Formular A.

2. Belöbene af Postanvisninger, som ere udstedte i Norge til Betaling i det Forenede Kongerige i Maanederne Juni og December hvert Aar, men som ikke fremkomme til Udvexlingskontoret i Kristiania för de förste Dage af den följende Maaned (Juli og Januar), skulle optages i og meddeles Udvexlingskontoret i London paa Tillægsfortegnelser til den ordinære Fortegnelse, dataret den sidste Dag i Udstedelsesmaaneden; lignende Fremgangsmaade skal blive fulgt af Udvexlingskontoret i London, forsaavidt angaar Postanvisninger udstedte i det Forenede Kongerige til Betaling i Norge. Dog skal ingen Tillægsfortegnelse afsendes efter den 16de Juli og 16de Januar.

3. En Intet-Fortegnelse skal sendes, naar der ikke findes Postanvisninger at meddele.

Article XIII.

International Numbers and the Numbering of Lists.

Every money order entered upon the lists shall bear a number to be called the "International Number," commencing each month with No. 1. Each list also shall bear a serial number commencing each year with No. 1.

Artikel XIII.

Internationale Nummere og Nummerering af Fortegnelser.

Enhver Postanvisning, indfört i Fortegnelserne, skal bære et Nummer, der kaldes "internationalt Nummer," og som for hver Maaned begynder med No. 1. Enhver Fortegnelse skal ligeledes bære et fortlöbende Nummer, begyndende hvert Aar med No. 1.

Article XIV.

Acknowledgment of Lists. Duplicates of Lists.

1. The receipt of each list shall be acknowledged, on either side, by means of the first subsequent list forwarded in the opposite direction, and the lists which shall fail to be received shall be immediately applied for by the Office of Exchange to which they should have been sent.

2. The despatching Office of Exchange shall in such case transmit without delay to the receiving Office of Exchange a duplicate list duly certified as such.

Artikel XIV.

Erkjendelser for Fortegnelser. Duplikater af Fortegnelser.

1. Modtagelsen af enhver fortegnelse skal gjensidig erkjendes paa den først paafölgende Fortegnelse, der sendes i modsat Retning, og Fortegnelser, som ikke maatte være modtagne, skal uopholdelig efterspörges af det Udvexlingskontor, til hvilket de skulde have været sendte.

2. Det afsendende Udvexlingskontor skal i saadant Tilfælde uden Ophold oversende det modtagende Udvexlingskontor en Duplikatfortegnelse, der behörig er betegnet som saadan.

Article XV.

Verification of Lists.

1. The lists shall be carefully verified by the Office of Exchange to which they are sent, and, when they contain manifest errors, shall be corrected.

2. The corrections shall be communicated to the despatching Office of Exchange in the acknowledgment of the receipt of the list in which the corrections are made.

3. When the list shall disclose other irregularities, the receiving Office of Exchange shall require an explanation from the despatching Office of Exchange, which shall give such explanation with as little delay as possible.

4. In the meantime, the issue of internal money orders relating to the entries on the lists found to be irregular may be suspended.

Artikel XV.

Fortegnelsernes Granskning.

1. Fortegnelserne skulle omhyggelig granskes af det modtagende Udvexlingskontor og berigtiges, hvis de indeholde aabenbare Feil.

2. Berigtigelsen ska meddeles det afsendende Udvexlingskontor ved Erkjendelsen af Modtagelsen af den Fortegnelse, hvori Rettelserne ere blevne foretagne.

3. Hvis Fortegnelsen skulde vise andre Uregelmæssigheder, skal det modtagende Udvexlingskontor begjære en Forklaring af det afsendende Udvexlingskontor, som skal afgive saadan Forklaring saa hurtig som muligt.

4. I Mellemtiden udsættes der med Udfærdigelsen af de indenrigske Postanvisninger, hvilke Opgaverne i den feilagtige Fortegnelse vedkomme.

Article XVI.

Internal Money Orders to be prepared.

As soon as the lists shall have reached the receiving Office of Exchange, that Office shall prepare internal money orders in favour of the payees for the amounts specified in the lists, and shall forward them to the payees, or to the paying offices, in conformity with the arrangements existing in each country for regulating the payment of money orders.

Artikel XVI.

Udfærdigelse af indenrigske Postanvisninger.

Saasnart Fortegnelserne ankomme til det modtagende Udveklingskontor, skal dette Kontor udfærdige indenrigske Anvisninger til de i Fortegnelserne opgivne Adressater for de opgivne Belöb og skal afsende dem til Adressaterne eller til det udbetalende Kontor i Overensstemmelse med de Bestemmelser, der i hvert Land gjælde for Udbetalingen af Postanvisninger.

Article XVII.

Detailed Statements.

At the end of every month each Office of Exchange shall prepare:

1. A detailed statement (pattern B) showing the total of each list received from the other Office of Exchange and dated in that month.

Artikel XVII.

Specialopgaver.

Ved Udlöbet af hver Maaned skal hvert Udvexlingskontor affatte:

1. En Specialopgave (Blanket B), udvisende Totalbelöbet af hver Fortegnelse modtaget fra det andet Udvexlingskontor og dateret i den Maaned.

2. A statement (pattern C) showing the particulars of all orders which it has been authorised to repay to the remitters during the month.

3. A list (pattern D) furnishing the details of all orders which (during the month) have ceased to be payable under the provisions of Art. XI.

These detailed statements shall be sent to the other Office of Exchange, which shall verify them and acknowledge its acceptance of them, communicating to the despatching Office of Exchange any alterations which it may have been found necessary to make therein.

2. En Opgave (Blanket C) over alle de Anvisninger, som det i Maanedens Löb er bleven bemyndiget til at tilbagebetale Afsenderne.

3. En Fortegnelse (Blanket D) over alle de Anvisninger, som (i Löbet af den Maaned) have ophört at være betalbare i Henhold til Bestemmelserne i Art. XI.

Disse Specialopgaver skulle sendes det andet Udvexlingskontor, som skal gjennemgaa dem og erkjende Modtagelsen af dem, meddelende det afsendende Udvexlingskontor de Forandringer, som det maatte have fundet fornödent at foretage deri.

Article XVIII.

General Account.

The detailed statements B, C, and D mentioned in Article XVII., shall be incorporated every month by the Norwegian Post Office in a general account intended to show the result of the exchange of money orders between the United Kingdom and Norway.

This general account, which shall be in conformity with Form E. annexed, shall be transmitted, in duplicate, by the Norwegian Post Office to the British Post Office, which shall return one copy of the account duly accepted.

Artikel XVIII.

Generalafregning.

De i Artikel XVII nævnte Specialopgaver B, C og D skulle for hver Maaned af den norske Poststyrelse optages i en Generalafregning, udvisende Resultatet af Udvexlingen af Postanvisninger mellem det Forenede Kongerige og Norge.

Denne Generalafregning, som skal affattes i Overensstemmelse med vedföiede Schema E, skal af den norske Poststyrelse i to Exemplarer oversendes til den britiske Poststyrelse, som skal tilbagesende det ene Exemplar behörig vedtaget.

Article XIX.

Payment of Balance.

1. When the Norwegian Office has to pay to the British Office the balance of the general account, it shall pay such balance at the same time that it sends the general account; and a similar course shall be followed by the British Office, should the balance be in favour of Norway, when it returns the duplicate of the general account accepted.

2. The payment shall be made at London when it is to the credit of the United Kingdom, and at Christiania when it is to the credit of Norway; and always in the money of the country to which payment is made.

3. Should, on any occasion, one of the post offices be creditor of the other for paid Money Orders amounting to a total exceeding 20,000 kroner or £1,100, the creditor office shall have the right to require a payment on account, which may amount to three-fourths of the sum of the debt. In such case the payment shall be made immediately.

Artikel XIX.

Betaling af Balancen.

1. Naar det norske Postvæsen har at betale til det britiske Postvæsen Balancen af Generalafregningen, skal det betale denne Balance paa samme Tid, som det sender Generalafregningen; lignende Fremgangsmaade skal, hvis Balancen er i Norges Favör, fölges af det britiske Postvæsen, naar det tilbagesender Duplikatet af den vedtagne Generalafregning.

2. Betalingen skal ske i Kristiania, naar den er i Norges Kredit, og i London, naar den er i det Forenede Kongeriges Kredit, samt altid i det Lands Mynt, til hvilket Betaling sker.

3. Skulde i noget Tilfælde det ene Postvæsen erholde tilgode af det andet for udbetalte Postanvisninger et Belöb af mere end 20,000 Kroner eller £1,100, skal det tilgodehavende Postvæsen være berettiget til at forlange en Betaling paa Konto af indtil tre Fjerdedele af Fordringen. I saadant Tilfælde skal Betaling uopholdelig finde Sted.

Article XX.

Additional rules.

1. The Postal Administration in each country shall be authorised to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally.

2. All such additional rules, however, must be communicated to the Postal Administration of the other country.

Artikel XX.

Tillægsbestemmelser.

1. Hvert Lands Poststyrelse skal være bemyndiget til at fastsætte Tillægsbestemmelser (der dog ikke maa stride mod foranstaaende) til större Sikkerhed mod Bedragerier eller til Lettelse af Systemet i dets Almindelighed.

2. Alle saadanne Tillægsbestemmelser maa dog meddeles det andet Lands Poststyrelse.

Article XXI.

Power to increase Commission or to suspend issue of Orders.

Should it appear, at any time, that money orders are used by mercantile men or other persons in the United Kingdom, or in Norway, for the transmission of large sums of money, the British or Norwegian Office, as the case may be, shall have power to increase the commission, and even to suspend the issue of money orders.

Artikel XXI.

Rettighed til at foröge Gebyret eller til at indstille Udstedelsen af Anvisninger.

Skulde det nogen Gang vise sig, at Postanvisninger benyttes af Handelsmænd eller andre Personer i Norge eller i det Forenede Kongerige til Oversendelse af större Pengebelöb, skal den norske eller den britiske Poststyrelse—efter Omstændighederne—have Ret til at foröge Gebyret og endog tel at indstille Udfærdigelsen af Postanvisninger.

Article XXII.

Commencement and termination of Convention.

This Convention shall come into operation on the 1st day of November 1889, and shall be terminable on a notice by either party of six calendar months.

Done in duplicate, and signed in Christiania on the 12th day of October 1889 and in London on the 17th day of October 1889.

(Signed) HENRY CECIL RAIKES. L.S.

Artikel XXII.

Konventionens Ikrafttræden og Varighed.

Denne Konvention skal træde i Kraft den 1 November 1889 og skal ophöre at gjælde efter 6 Kalendermaaneders Opsigelse fra en af Parterne.

Udfærdiget in duplo og underskrevet i Kristiania den 12te Dag i Oktober 1889 og i London den 17de Dag i Oktober 1889.

(Signed) JOHAN THORNE.

(A.)

o 61639.

No. of List

Stamp of Office.

DAILY LIST of MONEY ORDERS issued in the UNITED KINGDOM (and beyond) and payable in NORWAY.

If supplementary to be taken to account in

Date of Order.	International Number.	Original Number.	Office of Issue.	Name and Address of Remitter.	Full Name of Payee.	Full Address of Payee.	Amount received in United Kingdom. £	s.	d.	Amount to be Paid in Norway. Kr.	Öre.	Remarks.
						Totals - -						

B

London 18

To the Office of Exchange Christiania.

I have received your list of the relative to Orders drawn in Norway Nos. to and payable to persons residing in the United Kingdom.

The examination which has taken place has proved the correctness of the totals, viz. Kr. Öre , or £ s. d.

In return, I transmit to you, on the other side, a detailed Account of the amounts received for Orders payable in Norway, the particulars of which have reached this Office since the despatch of my last list No.

I have the honour to be, Sir, your obedient servant,

9

Blanket No. 176.

(A.)

Post-kontorets Stempel.

Fortegnelse No. ,

Daglig Fortegnelse over Postanvisninger, udfærdigede i Norge og betalbare i det Forenede Kongerige Storbritannien og Irland (eller Lande derover).

(Hvis Tillægsfortegnelse, at optages i Afregningen for .)

Anvisningens Datum.	International No.	Originalt No.	Indbetalings-postanstalten.	Afsenderens Navn og Adresse.	Modtagerens fulde Navn.	Modtagerens fuldstændige Adresse.	Beløb oppebaaret i Norge.		Beløb at udbetales i det Forenede Kongerige.			For the use of the London Office.	
												Number of Order.	Office of Payment.
							Kr..	Öre.	£	s.	d.		
						Summa - -							

10

Til Udvexlingskontoret i London. Kristiania Omkarteringskontor den 18

Jeg har modtaget Deres Fortegnelse af den over Postanvisninger, udstedte i det Forenede Kongerige No.

til og betalbare til Personer boende i Norge.

Den stedfundne Undersögelse har vist Rigtigheden af Totalsummerne, nemlig Kr. öre eller £ s. d.

Paa min Side oversender jeg Dem en specificeret Fortegnelse over de Belöb, modtagne for Anvisninger, betalbare i det Forenede Kongerige, over hvilke Opgaver ere indkomne hertil siden Afsendelsen af min sidste Fortegnelse No. .

Ærbödigst

(B.)

Month of . 18 .

DETAILED STATEMENT of MONEY ORDERS issued in NORWAY and payable in the UNITED KINGDOM.

Date of Lists.	International Numbers of Orders according to the Lists.		Totals.			Date of Lists.	International Numbers of Orders according to the Lists.		Totals.		
	From	To	£	s.	d.		From	To	£	s.	d.
								Total -			
								Commission at ½ per cent. -			
									Kr.	Öre.	
						Converted into Norwegian Money					
						Amount of Orders - -					
						Amount of Commission -					
								Total - -			

Money Order Office,
London, 18

Blanket Nc. 177.

(B.)

Maaned 18 .

SPECIALOPGAVE over POSTANVISNINGER, udstedte i det FORENEDE KONGERIGE og betalbare i NORGE.

Fortegnelsernes Datum.	Anvisningernes internationale Nummere ifölge Fortegnelserne.		Belöb.		Fortegnelsernes Datum.	Anvisningernes internationale Nummere ifölge Fortegnelserne.		Belöb.	
	Fra	Til	Kr.	Öre.		Fra	Til	Kr.	Öre.
							Tilsammen		
							½ p. Ct. Gebyr -		
								£	s. d.
							Eller i britisk Mynt:		
							Postanvisningsbelöb		
							Postanvisningsgebyr.		
							Tilsammen		

Kristiania Omkarteringskontor
den 18 .

(C.)

Month of 18

STATEMENT of MONEY ORDERS issued in the UNITED KINGDOM upon NORWAY for which authority has been given to the Country of issue to effect repayment to the remitters.

Date.	International number.	Original number.	Office of Issue.	Amount in British Currency. £	s.	d.	Amount in Norwegian Currency. Kr.	Öre.
			Totals - -					

Money Order Office,
London. 18 . .

Blanket No. 178.

(C.)

Maaned 18

OPGAVE over POSTANVISNINGER fra NORGE til det FORENEDE KONGERIGE STORBRITANNIEN og IRLAND, hvilke Udgangslandet har erholdt Bemyndigelse til at tilbagebetale til Afsenderne.

Datum.	Internationalt Nummer.	Original Nummer.	Indbetalingspostanstalt.	Belöb i norsk Mynt. Kr.	Ore.	Belöb i britisk Mynt. £	s.	d.
			Summa -					

Kristiania Omkarteringskontor
den 18 .

(D.)

List of Money Orders issued in Norway upon the United Kingdom during the month of 18 , which have not been paid within twelve clear months after the month of issue, and have, therefore, become forfeited.

Date.	International Number.	Original Number.	Office of Issue.	Office of Payment.	Amount in Norwegian Currency.		Amount in British Currency.		
					Kr.	Öre.	£	s.	d.
				Totals - -					

Money Order Office,
London, 18 .

(D.)

Fortgenelse over Postanvisninger, udstedte i det Forenede Kongerige par Norge i Löbet af Maaned 18 , hvilke ikke ere blevne betalte inden 12 Maaneder efter Udstedelsesmaaneden og defor ere blevne ugyldige.

Datum.	Internationalt Nummer.	Original Nummer.	Udgangssted.	Bestemmelsessted.	Belöb i britisk Mynt.			Belöb i norsk Mynt.	
					£	s.	d.	Kr.	Öre.
				Tilsammen -					

Kristiania Omkarteringskontor
den 18 .

(E.)

Month of 18 .

General Account of the Result of the Exchange of Money Orders between the Kingdom of Norway and the United Kingdom of Great Britain and Ireland.

To Credit of Norway.	Amount.		To Credit of United Kingdom.	Amount.	
	Kr.	Öre.		Kr.	Öre.
Orders issued in the United Kingdom and payable in Norway, as per detailed Statement.			Orders issued in Norway and payable in the United Kingdom, as per detailed Statement.		
Commission at ½ per cent. on above			Commission at ½ per cent. on above		
Repaid Orders - - -			Repaid Orders - - -		
Void Orders - - -			Void Orders - - -		
Total credit to Norway -			Total Credit to United Kingdom - -		
Balance due to United Kingdom - -			Balance due to Norway -		
	£	s. d.			
Converted into British Money -					

Christiania, 18 .

AGREEMENT

BETWEEN

THE POST OFFICE

OF

THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

AND

THE POST OFFICE

OF

ROUMANIA.

Dated $\frac{5}{9}$th June 1890.

Presented to both Houses of Parliament by Command of Her Majesty.
1890.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and
32, Abingdon Street, Westminster, S.W.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

1890.

[C.—6162.] *Price* 2*d.*

AGREEMENT between the POST OFFICE of the UNITED KINGDOM of GREAT BRITAIN and IRELAND and the POST OFFICE of ROUMANIA.

Article I.

Between the United Kingdom of Great Britain and Ireland and the Kingdom of Roumania there shall be a regular exchange of money orders.

Article II.

The money order service between the contracting countries shall be performed exclusively by the agency of Offices of Exchange. On the part of the United Kingdom the Office of Exchange shall be that of London, and on the part of Roumania, that of Bucharest.

Article III.

In all transactions between the contracting countries under this Agreement the French currency of francs and centimes shall be employed.

Article IV.

The maximum amount for which a money order may be drawn in each country shall be 252 francs, or the nearest equivalent of that sum in the money of the country of issue.

Article V.

All payments for money orders, whether to or by the public, if not in gold, shall be made to the nearest practicable equivalent.

Article VI.

Deposits of Roumanian money made by remitters in Roumania for payment in the United Kingdom shall be converted at the Exchange Office of Bucharest into French currency (francs and centimes) in accordance with the current value of Roumanian money on the day on which the orders are advised to Great Britain.

The conversion into British money of the sums advised by the Bucharest Office to the London Office in francs and centimes shall be effected at the London Office at the rate of 25 francs 20 centimes to the £1 sterling. This rate of exchange may, however, be varied by mutual agreement of the contracting offices.

ARRANGEMENT entre L'ADMINISTRATION des POSTES du ROYAUME UNI de la GRANDE BRETAGNE et D'IRLANDE et L'ADMINISTRATION des Postes de la Roumanie.

Article I.

Entre le Royaume Uni de la Grande Bretagne et d'Irlande d'une part, et la Roumanie d'autre part, il sera établi un échange régulier de mandats de poste.

Article II.

Le service des mandats de poste entre les deux pays contractants sera exécuté exclusivement par l'intermédiaire de bureaux d'échange. Du côté du Royaume Uni le bureau d'échange sera celui de Londres, et du côté de la Roumanie, celui de Bucarest.

Article III.

La monnaie française en francs et centimes sera employée pour toutes les transactions entre les pays contractants sous cet arrangement.

Article IV.

Le montant maximum d'un mandat émis dans chaque pays n'excédera pas 252 francs, ou l'équivalent le plus rapproché de cette somme dans la monnaie du pays d'émission.

Article V.

Tout paiement opéré pour les mandats de poste, tant de la part du public qu'à son profit, devra être effectué à défaut d'or, dans la valeur qui a le cours le plus élevé après cette monnaie.

Article VI.

Les sommes déposées, en monnaie roumaine, par les expéditeurs en Roumanie, seront converties au bureau d'échange de Bucarest en monnaie française (francs et centimes) selon le prix courant de la monnaie roumaine au jour où les mandats sont notifiés à la Grande Bretagne.

La conversion en monnaie britannique des sommes notifiées en francs et centimes par le bureau de Bucarest au bureau de Londres, sera effectuée au bureau de Londres à raison de 25 francs 20 centimes pour la livre sterling.

Ce taux peut, cependant, être varié par consentement mutuel des parties contractantes.

In like manner, the amounts of money orders drawn in Great Britain for payment in Roumania shall be converted at the Exchange Office of London into francs and centimes, at the before-mentioned rate of £1 sterling=25 francs 20 centimes, and into Roumanian money at the Exchange Office of Bucharest in accordance with the current value of Roumanian money on the day of the receipt of the advice list containing the particulars of such orders.

Article VII.

The British Post Office and the Post Office of Roumania shall each have the power to fix, from time to time, the rates of commission to be charged on all money orders they may respectively issue. The commission shall belong to the issuing office; but the British Post Office shall pay to the Post Office of Roumania one half of 1 per cent. ($\frac{1}{2}$ per cent.) on the amount of money orders issued in the United Kingdom and payable in Roumania; and the Post Office of Roumania shall make a like payment to the British Post Office for money orders issued in Roumania and payable in the United Kingdom.

Article VIII.

In the payment of money orders to the public no account shall be taken of any fraction of a penny or of a centime.

Article IX.

No money order shall be issued unless the applicant furnish, in full, the surname, Christian name (or at least the initial of the Christian name) both of the remitter and of the payee, or the name of the firm or company who are the remitters or payees, and the address of the remitter and payee.

Article X.

In the event of a money order being lost or destroyed a duplicate shall be granted on a written application from the payee (containing the necessary particulars) to the Chief Money Order Office of the country where the original order was payable, and such Chief Office shall be authorised to demand, in every such case, a new commission, unless the order shall have been lost in transmission through the post.

On the receipt of an application containing the same particulars from the remitter instructions shall be given to stop payment of a money order.

De même, les montants des mandats émis en Grande Bretagne et payables en Roumanie seront convertis en francs et centimes au bureau d'échange de Londres à raison de 25 francs 20 centimes la livre sterling; et en monnaie roumaine au bureau d'échange de Bucarest, selon le prix courant de cette dernière au jour de la réception de la liste contenant les détails des mandats.

Article VII.

L'Administration des postes du Royaume Uni et l'Administration des Postes de la Roumanie auront chacun le pouvoir de fixer, de temps en temps, le droit à percevoir sur les mandats qu'elles émettront réciproquement. Le droit perçu appartiendra au bureau d'émission; mais le bureau britannique tiendra compte au bureau roumain d'un droit fixé à la moitié d'un pour cent. ($\frac{1}{2}$ pour cent.) sur le montant des mandats émis dans le Royaume Uni et payables en Roumanie; et le bureau roumain tiendra compte d'un même droit sur le montant des mandats émis en Roumanie pour être payés dans le Royaume Uni.

Article VIII.

Pour le paiement des mandats au public, il ne sera tenu aucun compte d'une fraction de penny ou de centime.

Article IX.

Aucun mandat ne sera émis sans que l'expéditeur ne fournisse en entier le nom prénom (ou au moins l'initiale du prénom) tant de l'expéditeur que du destinataire ou raison sociale et adresse de l'expéditeur et du bénéficiaire.

Article X.

Dans le cas où un mandat aurait été perdu, ou détruit, un duplicata sera émis sur demande écrite (contenant les renseignements nécessaires) adressée par le destinataire au bureau principal du pays où le mandat primitif était payable, et le cas échéant le dit bureau sera autorisé à percevoir un nouveau droit, sauf dans le cas où le mandat primitif aurait été perdu en transit par la poste.

Sur la réception d'une demande de l'expéditeur, donnant les mêmes renseignements, des instructions devront être données pour arrêter le paiement du mandat.

Article XI.

When it is desired that an error in the name of a payee shall be corrected, or that the amount of a money order shall be repaid to the remitter, application must be made by the remitter to the Chief Office of the country in which the order was issued.

Article XII.

Repayment of an order shall not, in any case, be made until it has been ascertained, through the Chief Office of the country where such order is payable, that the order has not been paid.

Article XIII.

Orders shall be payable in each country for 12 months after the expiration of the month of issue. The amounts of all money orders not paid before the expiration of that term shall revert to and remain the property of the Administration of the country of issue.

Article XIV.

The Offices of Exchange shall communicate to each other, daily, by the night mail, the sums received in each of the respective countries for payment in the other. They shall use for this purpose the Form of List A. annexed.

There shall not be entered on the same list sums received relating to two different months. Sums received towards the end of the month, and not reaching the Office of Exchange until the first days of the following month, shall be entered and communicated to the Office of Exchange of the country to which they are sent, on separate lists, supplementary to the ordinary list dated the last day of the month in which the sums were received.

A blank list shall be transmitted by the mail named above in case there shall be no payment to announce.

Article XV.

Every money order entered upon the lists shall bear a number (to be known as the "International Number") commencing each month with No. 1.

Similarly each list shall bear a serial number commencing every year with No. 1.

Article XI.

Quand il sera désiré qu'une erreur dans le nom du destinataire soit corrigée, ou que le montant d'un mandat soit restitué à l'expéditeur, ce dernier doit s'adresser au bureau principal du pays où le mandat a été émis.

Article XII.

Le remboursement d'un mandat ne doit, dans aucun cas, être effectué jusqu'à ce qu'il soit reconnu par l'intermédiaire du bureau principal d'échange du pays ou ce mandat est payable, qu'il n'a pas encore été payé.

Article XIII.

Les mandats seront valables dans chaque pays pendant douze mois à partir de la fin du mois d'émission. Les montants de tous les mandats non payés dans ce délai feront retour à l'Administration du pays d'émission et en deviendront la propriété.

Article XIV.

Les bureaux d'échange se notifieront journellement, par le courier du soir, les sommes déposées dans chaque pays pour être payées dans l'autre. A cette fin il sera fait usage de la formule "A" ci-annexée.

Il ne sera fait mention sur la même liste des dépôts relatifs à deux mois différents. Les sommes reçues vers la fin du mois et qui ne parviendront pas au bureau d'échange expéditeur avant les premiers jours du mois suivant, seront décrites et communiquées au bureau d'échange du pays de destination sur des listes séparées, supplémentaires à la liste ordinaire, et datées du dernier jour du mois où les dites sommes ont été déposées.

Quand il n'y aura pas de paiement à notifier, it sera transmis une liste négative.

Article XV.

Chaque mandat décrit sur les listes portera un numéro de série (dit "numéro international"); cette série commencera chaque mois par le numéro 1.

De même chaque liste portera un numéro de série commençant chaque année par le numéro 1.

Article XVI.

The receipt of each list shall be acknowledged on either side by means of the first subsequent list forwarded in the opposite direction; and the lists which fail to be received shall be immediately applied for by the Office of Exchange to which they should have been sent. The despatching Office of Exchange shall, in such case, transmit without delay to the receiving Office of Exchange a duplicate list duly certified as such.

Article XVII.

The lists shall be carefully verified by the Office of Exchange to which they are sent, and corrected when they contain manifest errors. The corrections shall be communicated to the despatching Office of Exchange in the acknowledgment of the receipt of the list in which the corrections were made.

When these lists shall show other irregularities, the Office of Exchange receiving them shall require an explanation from the despatching Office of Exchange, which shall give such explanation with as little delay as possible.

In the meantime the issue of internal money orders relating to the entries on the list found to be irregular shall be suspended.

Article XVIII.

As soon as the list shall have reached the receiving Office of Exchange, that office shall prepare internal money orders in favour of the payees, for the equivalents, in the money of the country of payment, of the amounts specified in the list, and shall then forward such internal money orders to the payees, or to the paying offices, in conformity with the arrangements existing in each country for the payment of money orders.

Article XIX.

At the end of every month each Office of Exchange shall prepare—

1. A detailed statement showing the total of each list received from the other office, dated in that month.
2. A list showing the particulars of all orders which it has been authorised to repay to the original remitters (*see* Article XII.).
3. A list showing the particulars of all orders issued by the other Office of Exchange, which have ceased to be payable under the conditions laid down in Article XIII.

Article XVI.

Il sera accusé réception de part et d'autre de chaque liste, au moyen de la première liste expediée par le bureau de destination dans la direction opposée: et les listes manquantes seront immédiatement réclamées par le bureau d'échange auquel elles feront défaut. En pareil cas, le bureau d'échange expéditeur devra transmettre sans retard, au bureau d'échange destinataire un duplicata de la liste certifié comme tel.

Article XVII.

Les listes seront soigneusement vérifiées par le bureau d'échange auquel elles sont envoyées et lorsque la vérification d'une liste fera ressortir de simples erreurs, elles pourront être rectifiées. Les corrections seront signalées au bureau d'échange expéditeur par moyen de l'accusé de réception de la liste où les dites corrections ont été apportées.

Lorsque les listes contiendront d'autres irregularités, le bureau d'échange destinataire réclamerait des explications du bureau d'échange expéditeur qui devrait fournir ces renseignements dans le plus bref délai possible.

En attendant, l'émission des mandats intérieurs se rapportant aux irregularités trouvées sur la liste sera suspendue.

Article XVIII.

Aussitôt que la liste sera parvenue au bureau d'échange destinataire, ce bureau établira des mandats intérieurs, au profit des bénéficiaries, pour les sommes représentant en monnaie du pays de paiement le montant déclaré sur la liste; il enverra ces mandats aux destinataires ,ou au bureaux de paiement selon les dispositions en vigueur dans chaque pays, pour régler le paiement des mandats.

Article XIX.

A la fin du mois, chaque bureau d'échange établira :—

1°. Un compte détaillé donnant le total de chaque liste de mandats reçue de l'autre bureau d'échange datée de ce propre mois.
2°. Une liste donnant le détail de tous les mandats dont le remboursement aux expéditeurs aura été autorisé (voir à l'Article XII).
3°. Une liste donnant le détail de tous les mandats émis par l'autre bureau d'échange qui sont périmés aux termes de l'Article XIII.

These detailed accounts, which shall be in accordance with the Forms B., C., and D. annexed, shall be sent in duplicate by the despatching Office to the other Office of Exchange, which shall verify them and acknowledge its acceptance of them, communicating to the despatching Office of Exchange any alterations or corrections which it may be necessary to make therein.

Article XX.

The detailed accounts mentioned in Article XIX. shall be incorporated every month by the Roumanian Post Office in a general account intended to show the result of the exchange of money orders between the Post Office of Roumania on the one side, and of the United Kingdom on the other side.

This general account (prepared in accordance with the Form E. annexed), shall be transmitted in duplicate by the Roumanian Office to the British Office, which shall return one copy of the account duly accepted.

Article XXI.

When the Post Office of Roumania has to pay to the British Office the balance of the general account, the Bucharest Office shall pay such balance at the same time that it sends the general account; and a similar course shall be followed by the London Office when it is indebted to the Roumanian Office in returning to Bucharest the duplicate of the general account accepted.

Such payments shall, in the absence of an agreement between the two administrations as to the adoption of an alternative course, be made by means of bills of exchange payable on demand at Paris to the order of the administration of the creditor country.

Article XXII.

The Office of Exchange in each country shall be authorised to adopt any additional rules (if not in contradiction to the foregoing) for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be communicated to the Office of Exchange of the other country.

Article XXIII.

Should it appear at any time that money orders are used by mercantile men or other persons in the United Kingdom, or in

Ces comptes détaillés qui devront être conformes aux modèles B. C. et D. annexés seront transmis en double par le bureau expéditeur à l'autre bureau d'échange qui les vérifiera, et en lui en accusant réception, fera connaître au bureau expéditeur les rectifications et corrections qu'il juge nécessaire d'y apporter.

Article XX.

Les comptes détaillés mentionnés à l'Article XIX. seront récapitulés chaque mois par l'office roumain en un compte général présentant le résultat de l'échange des mandats entre l'Administration des postes de la Roumanie d'une part et l'Administration des postes du Royaume Uni d'autre part.

Ce compte général (établi conformément au modèle E annexé) sera transmis en double par l'office roumain à l'office britannique qui devra retourner un exemplaire dûment certifié.

Article XXI.

Quand le bureau des postes de la Roumanie aura à payer au bureau britannique le solde du compte général, le bureau de Bucarest enverra le montant en même temps qu'il expédiera le compte général; et le bureau de Londres lorsqu'il se trouvera redevable envers le bureau roumain agira de même en retournant à Bucarest le double du compte général dûment accepté.

Ces soldes seront liquidés (sauf arrangement contraire entre les deux Administrations) par moyen de traites sur Paris payables sur demande à l'ordre de l'Administration du pays crediteur.

Article XXII.

Le bureau d'échange de chaque pays sera autorisé à adopter des règles additionelles (pourvu qu'elles ne soient pas en contradiction avec celles du présent arrangement) pour une plus grande sécurité contre la fraude, ou pour une meilleure exécution du service.

Toutes ces règles, cependant, devront être communiquées au bureau d'échange de l'autre pays.

Article XXIII.

S'il arrivât que des mandats fûssent employés par des commerçants ou d'autres personnes dans le Royaume Uni, ou dans

Roumania, for the transmission of large sums of money, the British Office, or the Roumanian Office, as the case may be, shall be authorised to increase the commission, and shall have power even wholly to suspend for a time the issue of money orders.

Article XXIV.

This agreement shall come into operation on the first day of July 1890, and shall be terminable on a notice, by either party, of six calendar months.

Done in duplicate, and signed at London on the 5th of June 1890, and at Paris on the 9th of June 1890.

L.S.

(Signed) Henry Cecil Raikes,
Postmaster General of the
United Kingdom of
Great Britain and Ireland.

la Roumanie pour la transmission de sommes considérables, le bureau britannique et le bureau roumain auront le pouvoir d'augmenter la commission, ou même de suspendre temporairement l'émission des mandats.

Article XXIV.

Cet arrangement entrera en vigueur à partir du premier Juillet 1890, et prendra fin sur une dénomination faite six mois à l'avance par une des parties contractantes.

Fait en double, et signé à Londres le 5 Juin 1890, et à Paris le 9 Juin 1890.

L.S.

(Signé) Michel C. Soutzo,
Directeur Général des Postes
et des Télégraphes de la
Roumanie.

A.

Money Order Office, London.

_____ 18___.

To the General Post Office, Bucharest.

I have received your list of the _____ 18___, relative to orders issued in Roumania, No. _____ to _____ and payable in the United Kingdom.

The examination which has been made has proved the correctness of the totals, viz., F. _____ c. _____.

In return, I transmit to you a detailed Account of the Amounts received for Orders in the United Kingdom for payment in Roumania, the particulars of which have reached this Office since the despatch of my last list.

Awaiting the receipt of an acknowledgment of the present list and of the result of its verification,

I have, &c.,

_____.

No. of List_____.

B

Particulars to be furnished by British Office of Exchange.										For use of Roumanian Office of Exchange.			
International Number of Order.	Original Number of Order.	Office of issue.	Name and Address of Remitter.	Full Name of Payee.	Address of Payee.	Amount in British Money.			Amount in French Currency.		Amount in Roumanian Currency.		Number of Internal Order.	Office of Payment.
						£	s.	d.	F.	c.	Fl.	K.		
					Totals -									

9

9 63750.

General Post Office, Bucharest,

_____ 18___.

To the Money Order Office, London

I have received your List of the _____ _____ 18___, relative to Orders issued in the United Kingdom, No. _____ to _____, and payable in Roumania.

The examination which has been made has proved the correctness of the totals, viz., F. _____ c. _____.

In return, I transmit to you a detailed Account of the Amounts received for Orders in Roumania for payment in the United Kingdom, the particulars of which have reached this Office since the despatch of my last List.

Awaiting the receipt of an acknowledgment of the present List, and of the result of its verification,

I am, &c.,

_____.

Particulars to be furnished by Roumanian Office of Exchange.											For use of British Office of Exchange.	
International Number of Order.	Original Number of Order.	Office of Issue.	Name and Address of Remitter.	Full Name of Payee.	Address of Payee.	Amount in Roumanian Currency.		Amount in French Currency.		Amount in British Money.			Number of Internal Order.	Office of Payment.
						Fl.	K.	F.	c.	£	*s.*	*d.*		
					Totals -									

o 63570.

Month of _____ 18___.

DETAILED ACCOUNT of POST OFFICE MONEY ORDERS issued in ROUMANIA and payable in the UNITED KINGDOM.

Date of Lists.	International Numbers of Orders according to the Lists.			Totals of Lists.	
	From	To		F.	c.
			Total -		
			Commission at ½ per cent. -		
			Total -		

Money Order Office,

London.

_____ 18 .

Month of _____ 18___.

DETAILED ACCOUNT of POST OFFICE MONEY ORDERS issued in the UNITED KINGDOM and payable in ROUMANIA.

Date of Lists.	International Numbers of Orders according to the Lists.			Totals of Lists.	
	From	To		F.	c.
			Total -		
			Commission at ½ per cent. -		
			Total -		

General Post Office,

Bucharest,

_____ 18 .

C.

Month of _____ 18__ .

DETAILED ACCOUNT of POST OFFICE MONEY ORDERS issued in the UNITED KINGDOM and payable in ROUMANIA which have been repaid to the Remitters in the Country of issue by authority of the Country of payment.

Number of List in which advised to Roumania.	Date of Order.	International Number of Order.	Amount.	
			F.	c.
		Total - - -		

Money Order Office,
London.

_____ 18 __ .

Month of 18 __ .

DETAILED ACCOUNT of POST OFFICE MONEY ORDERS issued in ROUMANIA and payable in the UNITED KINGDOM which have been repaid to the Remitters in the Country of issue by authority of the Country of payment.

Number of List in which advised to United Kingdom.	Date of Order.	International Number of Order.	Amount.	
			F.	c.
		Total - - -		

General Post Office,
Bucharest.

_____ 18 .

D.

LIST of the ORDERS issued in ROUMANIA upon the UNITED KINGDOM during the month of 18___, which have not been paid within 12 clear months after the month of issue, and have therefore become forfeited.

International Number.	Original Number.	Date.	Office of Issue.	Office of Payment.	Amount. F.	Amount. c.
				Total -		

Money Order Office,
London.

_____ 18___.

LIST of the ORDERS issued in the UNITED KINGDOM upon ROUMANIA during the month of _____ 18___, which have not been paid within 12 clear months after the month of issue, and have therefore become forfeited.

International Number.	Original Number.	Date.	Office of Issue.	Office of Payment.	Amount. F.	Amount. c.
				Total - -		

General Post Office,
Bucharest.

_____ 18___.

E.

Month of _____ 18___.

GENERAL STATEMENT of the RESULT of the exchange of MONEY ORDERS between the UNITED KINGDOM OF GREAT BRITAIN and IRELAND of the one part and the KINGDOM of ROUMANIA of the other part.

To credit of Roumania.	F.	c.	To credit of United Kingdom.	F.	c.
Orders issued in United Kingdom as per detailed Account - -			Orders issued in Roumania as per detailed Account - - -		
Commission at ½ per cent. on above - - - - -			Commission at ½ per cent on above - - - - -		
Orders authorized to be repaid in Roumania as per detailed Account -			Orders authorized to be repaid in the United Kingdom as per detailed Account - - - - - - - -		
Void Orders - - - - - - - -			Void Orders - - - - - - -		
Total credit to Roumania - - - - - -			Total credit to the United Kingdom - - - - -		
Balance due to United Kingdom - - - - -			Balance due to Roumania - - - - - -		
Converted into Sterling Money - - - -	£ s.	d.			

General Post Office,
Bucharest.

_____ 18___.

RUSSIA. No. 1 (1890).

CORRESPONDENCE

RESPECTING THE

SEIZURE OF THE BRITISH SCHOONER "ARAUNAH,"

OFF

COPPER ISLAND,

BY THE

RUSSIAN AUTHORITIES.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated May 13, 1890.

LONDON:
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RETURN to an Address of the Honourable the House of Commons, dated May 13, 1890;
for—

"Copy of Correspondence that has taken place with reference to the Seizure of the Victorian Schooner 'Araunah' in the Behring's Sea."

No. 1.

Mr. Trench to the Marquis of Salisbury.—(*Received October* 25.)

My Lord, *Tōkiō, September* 17, 1888.

I HAVE the honour to report to your Lordship that the captain and crew of the schooner "Araunah," of Victoria, British Columbia, captured by the Russians, off Copper Island, at the commencement of July last, and taken to Vladivostock, arrived at Nagasaki on the 25th ultimo, and were handed over by the Russian Consul at that port to Mr. Consul Enslie, who sent them on to Her Majesty's officiating Consul at Kanagawa. Captain Siewerd and his crew left Yokohama for Vancouver on the 1st instant by the Canadian Pacific steam-ship "Batavia."

It is unnecessary for me to trouble your Lordship with a detailed statement of the circumstances connected with the seizure of the "Araunah," as full particulars have already been given in a letter addressed by Captain Siewerd to Her Majesty's Chargé d'Affaires at St. Petersburgh, to whom the complaint was addressed.

I have, &c.
(Signed) P. LE POER TRENCH.

No. 2.

Mr. Siewerd to the Marquis of Salisbury.—(*Received November* 19.)

Sir, *Victoria, British Columbia, October* 29, 1888.

WHEN seized on the 1st July, 1888, in the British sealing-schooner "Araunah," of this port, 8 miles off south extreme of Copper Island, by the Russian merchantman "Alexander II," and when I protested against this seizure, claiming to be beyond the gun-shot limit, the Russian officer, M. Grebnitzky, replied: "I would seize you 100 miles further south if found with seal-hunting outfit abroad."

As the American side of Behring's Sea is closed to us, and I have been of opinion that when south of the islands (Copper and Behring's) I was in the open waters of the North Pacific Ocean, the above reply has prompted me to ask of you the kindness to give me the boundary-lines of the Russian possession adjacent to the North Pacific Ocean, Copper and Behring's Islands included, as construed by your Department.

As your compliance with my request may avoid serious loss of property the coming season, as I contemplate to hunt again in those waters, I pray that your Honour will favour me with an immediate reply,

I am, &c.
(Signed) H. F. SIEWERD,
Late Master of Schooner "Araunah."

No. 3.

Sir R. Morier to the Marquis of Salisbury.—(*Received November* 19.)

My Lord, *St. Petersburgh, November* 14, 1888.

WITH reference to your Lordship's despatch of the 7th instant, respecting the seizure of the "Araunah,"* I have the honour to state that the case is in the hands of

* Inclosing copy of No. 1.

Her Majesty's Embassy, a sworn affidavit, dated the 27th August, together with a protest by the captain and a declaration by the Superintendent of the Commodore Islands, who seized the ship, having been forwarded to Mr. Dering, from Nagasaki, in a letter from the master of the ship, transmitted by the owners, asking that no action should be taken until they have sent in their statement of claims and a legal opinion on the entire case.

Until they do so I deem it best not to trouble your Lordship with the correspondence on the subject.

I have, &c.
(Signed) R. B. D. MORIER.

No. 4.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, November 28.)

My Lord, *Government House, Ottawa, November 6, 1888.*

I HAVE the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting a communication fron Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Araunah," together with certain documents and facts in connection with the seizure of that vessel on the 1st July last, for an alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing schooner in the Behring's Sea.

Your Lordship will observe that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburgh.

My Government desire that a remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim made for the loss and damage sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No. 4.

Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on October 22, 1888.

ON a Report dated the 20th October, 1888, from the Minister of Marine and Fisheries, stating, with reference to the communication, dated the 21st September, 1888, of Messrs. Hall, Goepel, and Co., Victoria, British Columbia, the owners of the British schooner "Arunah," that it appears from the statements accompanying the communication, that the vessel in question was seized on the 1st day of July last by the Russian merchant-steamer "Alexander II" for an alleged violation, in that part of the North Pacific Ocean known as Behring's Sea, of the Hunting Laws of the Russian Government.

At the time of the seizure the "Araunah" was pursuing a legitimate calling in waters which are open to vessels of all nations.

It further appears that a statement of this case has already been forwarded by Captain Siewerd, his mate and crew, to Her Britannic Majesty's Chargé d'Affaires at St. Petersburgh.

The Minister recommends that a copy of Messrs. Hall, Goepel, and Co.'s letter, with its inclosures, be forwarded, through the proper channel, to Her Majesty's Government.

The Committee concurring, advise that your Excellency be moved to forward copies of the papers herewith to the Right Honourable the Principal Secretary of State for the Colonies for transmission to the Foreign Office, in order that remonstrance may be made to the Russian Government for so unwarrantable an act as that committed by the commander of the "Alexander II," and a claim be made for such a reparation for the wrong done as may be commensurate with the loss and damage

sustained by the owners of the "Araunah" in consequence of this seizure in the open sea.

All which is respectfully submitted.

(Signed) JOHN J. McGEE, *Clerk,*
Privy Council.

Inclosure 2 in No. 4.

Messrs. Hall, Goepel, and Co. to the Hon. J. A. Chaplean.

Government House, Victoria, British Columbia,
September 21, 1888.

Sir,

WE have the honour to transmit herewith certain documents and facts in connection with the seizure of our schooner "Araunah," on the 1st July last, for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, by the Russian merchant-steamer "Alexander II," whilst in the prosecution of her legitimate calling as a sealing-schooner in the Behring's Sea, and which we respectfully urge is a part of the North Pacific Ocean, and open to the vessels of all nations. The clear and comprehensive letter statement on protest of Captain Siewerd, his mate and crew, addressed to Her Britannic Majesty's Chargé d'Affaires at St. Petersburgh, and sworn to before Her Britannic Majesty's Consul at Nagasaki, Japan, clearly sets forth an epitome of the circumstances attending the illegal seizure of our vessel, properly registered as a Canadian vessel, and flying the British flag, and leaves but little for us to add in connection therewith.

Inclosed will also be found copies of the telegrams that passed between the master of our vessel and the British Embassy at St. Petersburgh, and by which we are assured that steps would be taken, with least delay possible, in the direction desired, and that the Russian Government had been duly apprised of the seizure and its circumstances.

Although everything has been done by the master that could reasonably be expected to place the matter in the proper and most direct channel for investigation, restitution, and protection of British interests upon the high seas, still we deem it expedient to promptly report to the Federal Government at Ottawa, through you, the fact of the seizure (and what has been done to date) of our schooner whilst registered under the laws of the Dominion of Canada, with the full belief that his Excellency the Governor-General in Council will cause such steps to be taken as will grant the relief and restitution which it is our pride and privilege to claim as loyal subjects of Her Majesty.

In due course we shall forward a statement of claim of our loss against the Russian Government or whom it may concern.

We have, &c.

(Signed) HALL, GOEPEL, AND Co.,
Owners of Schooner "Araunah."

Inclosure 3 in No. 4.

Telegrams from Mr. Siewerd, Master of Schooner "Araunah," to the British Embassy at St. Petersburgh, and the Replies to same.

(1.)

Vladivostock, August 9, 1888.

SEALING schooner "Araunah," of Victoria, was set during a heavy fog and calm by current within 6 miles of southern extreme of Copper Island, when seized by Russian merchantman "Alexander II." Left here with crew, among them twelve Vancouver Indians, unprovided. Please advise.

Answer.

Your telegram received. Steps will be taken with least delay possible.

(2.)

Vladivostock, August 15, 1888.

Will forward protest sworn to before Consul at Nagasaki: also all documents pertaining to seizure. Please advise if necessary to protest here. Also of other steps required here. Owners' names: Hall and Goepel, Victoria.

Answer.

Your case has been brought to the notice of Russian Government, who have telegraphed to inquire into it. You might protest locally. Forward all documents here.

Inclosure 4 in No. 4.

Diagram illustrating Position of Schooner "Araunah" at time of Seizure.

Inclosure 5 in No. 4.

Mr. Siewerd to Mr. Dering.

Dear Sir, *August* 27, 1888.

REGARDING the seizure of the British sealing schooner "Araunah," of Victoria, British Columbia, by M. Grebnitzky in the Russian merchantman "Alexander II," for alleged violation of the Fishing and Hunting Laws of the Imperial Russian Government, of which I informed you in my telegraphic despatch of the 9th August, 1888, from Vladivostock, I now respectfully submit the following facts:—

On the 1st July, 1888, at 6·30 A.M., during a heavy fog and calm, I calculated the schooner's position to be 16 miles south by west of the southern extremity of Copper or Medney Island. Judging myself in the open waters of the North Pacific Ocean, I ordered the canoes for hunting. At about 7·30 A.M. the fog lifted, when the schooner was found to be east by south, about 6 to 8 miles distant from the southern extremity of the island, with the canoes out to the south and west of the schooner. When in this position a steamer was sighted, which bore at once down upon us, proving the Alaska Commercial Company's steamer "Alexander II," flying at peak the Russian merchant ensign, and at maintop a green flag with white cross.

When near, the schooner was hailed, and I, the master was asked to come aboard the steamer, which I did. When on steamer's deck, I was informed by M. Grebnitzky that he would confiscate the schooner for being within the limit. This I denied, but was answered that the boundary ran from Cape Lopatka to the Island of Atton, and that I could protest against the seizure to authorities at Vladivostock, where the case would be forwarded.

As the officer produced no documentary evidence of his authority, I asked upon what authority the seizure was made, in answer to which the officer pointed to the flag at maintop, saying, "There is my authority."

The officer and crew of schooner were then made prisoners, and transferred aboard steamer "Alexander II." The schooner was towed to the Settlement Glinka on Copper Island, where the skins, 133, were landed at Company's warehouse. Here I had to deliver the schooner's papers to Officer Grebnitzky. Before doing so I demanded a paper stating the reason of confiscation, which I forward herewith, and a copy of which I was asked to sign after it having been translated to me by M. J. Mallinvensky to read in substance.

That this day the schooner "Araunah" had been confiscated for hunting within the limits of the Russian possessions.

I hereby notified M. Grebnitzky, in presence of M. J. Mallinvensky, of my protest against the seizure, which protest I would make before the nearest Representative of Her Britannic Majesty's Government, and, in accordance with advice in your telegraphic despatch of 15th August, 1888, have protested to Admiral and Governor of Vladivostock, the certified copy of which I send herewith.

The schooner was then brought to Petropaulovski by a crew of the steamer "Alexander," where, upon the arrival of the schooner, the salt, stores, provisions, and also part of personal property of crew, were sold by M. Grebnitzky without the confiscation having been declared legal by any authority other than his own. I must add that we had no intention whatever to violate the laws of the Imperial Russian Government, but intended to follow the hunting in the waters of the North Pacific

DIAGRAM

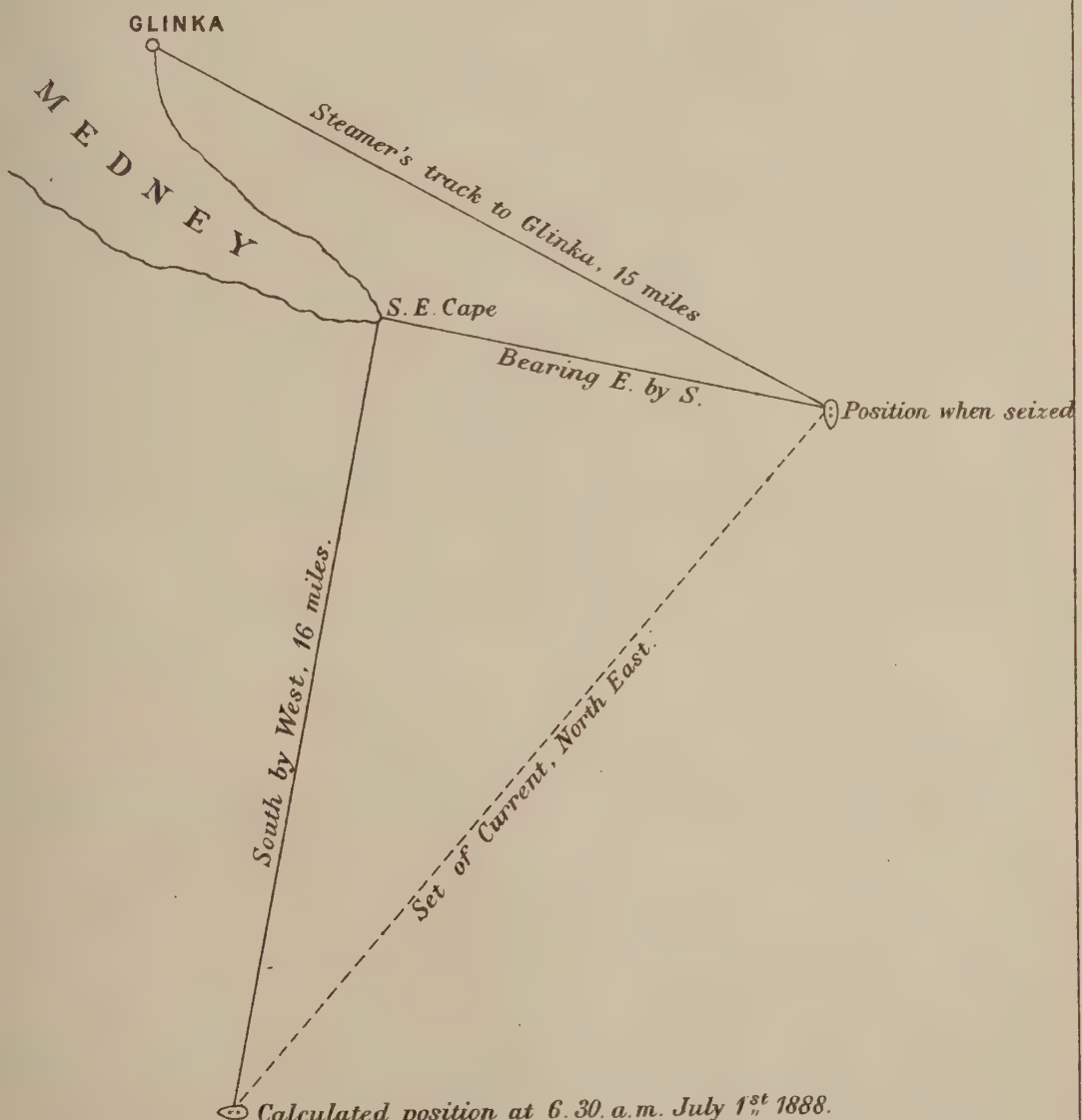
ILLUSTRATING POSITION

OF

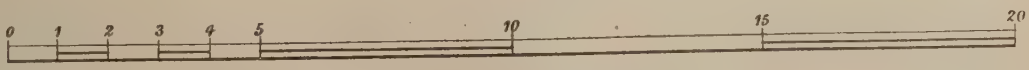
SCHOONER "ARAUNAH"

AT TIME OF SEIZURE.

S.d H.F. Steward. Master.



Scale of Miles



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Ocean; neither had we any means to do otherwise, as the hunting outfit consisted of six Indian canoes manned by two Vancouver Indians each. Had no fire-arms aboard save three old muzzle-loading shot-guns, being the property of some of the Indians; also one shot-gun and one rifle, being the property of some of the members of the crew.

From the foregoing it will be seen that the schooner was set by an unknown current, not marked upon the chart, to the north and east of her course, and the canoes having left the schooner during the fog, when there was no land in sight, nor any visible sign to prove the calculated position erroneous, will explain the position of the canoes at the time of seizure.

Also that the schooner was not less than the estimated 6 miles from land is clearly proven by the "Alexander" steaming two hours and forty minutes at the rate of 6 knots per hour (see steamer's engineer's log) from point of seizure to Glinka, which is 7 miles from south point of the island. This can be demonstrated on chart or diagram herewith, showing that it was impossible for schooner to have been, as alleged, within the 3 miles of gun-shot limit. As to the 133 seal-skins found on board, I refer to the schooner's fishing log, now in the hands of the Imperial Russian Government.

I also beg to call attention to the fact that the steamer "Alexander II" is owned by the Alaska Commercial Company, who are also the lessees of Copper and Behring's Islands.

As to the reliability of the statement of M. Grebnitzky as to the true position of schooner at time of seizure, I will say that M. Grebnitzky is no mariner, and consequently no competent judge to personally determine the exact position of schooner. Furthermore, I learned while prisoner aboard the "Alexander," that neither the first nor second officers of the steamer had been called upon by Captain Gronberg, of steamer, to witness or verify the bearing and distance of schooner, so that the judgment of the schooner's actual position at time of seizure is but the guesswork of Captain Gronberg, of steamer "Alexander II," and of him alone, as a consultation on this serious point might have resulted in proving the schooner beyond the limits.

In submitting the above facts to your careful consideration, I beg that you will use every means in your power to effect a restitution of the unjustly and illegally confiscated property, and payment of damages incurred thereby.

Very, &c.

(Signed) H. F. SIEWERD, *Master.*

The above sworn to before Her Britannic Majesty's Consul at Nagasaki by myself.

(Signed) N. P. BONDE, *Mate.*
W. STANDISH, *Steward.*
G. BRUM, } *A.B.*
P. DOERING, }

and forwarded, together with all documents, by Consul Mr. Enslie to St. Petersburgh.

No. 5.

Foreign Office to Mr. Siewerd.

Sir, *Foreign Office, November* 28, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 29th ultimo, relative to the seizure of the British schooner "Araunah" off Copper Island by the Russians in July last.

I am to forward you a copy of the Treaty between Russia and the United States of the 30th March, 1867,* and to inform you that the details connected with the seizure of your vessel have not yet reached Her Majesty's Government.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

---

* See "State Papers," vol. lvii, p. 452.

No. 6.

Sir R. Morier to the Marquis of Salisbury.—(*Received December* 5.)

My Lord, *St. Petersburgh, November* 30, 1888.

WITH reference to my despatch of the 14th instant, I have the honour to state that I have now received the complementary information from the master of the "Araunah" which enables me to deal with the case.

Before addressing the Russian Government on the subject, however, there are two or three points on which I should be glad to receive guidance from your Lordship; and I think, therefore, that I cannot do better than to make a statement of the case, so that its doubtful points may be properly submitted to your consideration.

The "Araunah," a British schooner, of British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself, in accordance with the statement of the master, on the 1st July, 1888, at 6·30 A.M., in a heavy fog and calm, 16 miles south by west of the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the master ordered the canoes out for hunting. At about 7·30 A.M. the fog lifted, when the schooner was found to be east by south about 6 or more miles distant from the south point of the island, with the canoes out at various distances to the south and west of the schooner, about 2 miles away from her, the most distant being about 3 miles from the ship. When in this position a steamer was sighted, which bore at once down upon her. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with white cross. The name of her master was Gronberg, that of the chief officer Arlen, and of the second officer Imberg; but besides these there was on board a M. Grebnitzky, not a naval man, who described himself as Superintendent of the Commander Islands. By his orders the "Araunah" was hailed, and her master, Mr. H. F. Siewerd, brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd then asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, saying that there was his authority.

The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement Glinka, on Copper Island.

Here the skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew of the "Alexander II" to Petropaulovski, and upon her arrival the salt, stores, and provisions, and also part of the personal property of the crew, were sold by M. Grebnitzky, without the confiscation having been declared legal by any authority but by his own. On the 16th August Mr. Siewerd, master of the "Araunah," entered a protest before the Governor of Vladivostock, and another on the 27th at Nagasaki before Her Majesty's Consul there. The facts above stated are taken from these two protests.

The latter, moreover, contains a diagram showing the position of the "Araunah" at the time of capture, and explains her position there on the hypothesis that she must have drifted from where she was at 6·30 to where she found herself at 7·30 under the impulse of a current not marked on the chart.

In addition to these two documents, the master of the "Araunah" produces an affidavit signed by himself and a Captain Butler, whom he seems to have taken with him as a witness of a conversation held on the 16th October at San Francisco with Gronberg, the master of the steam-ship "Alexander II." For Siewerd, on hearing that the "Alexander II" had proceeded to San Francisco, went there to obtain a copy of that vessel's log. Gronberg, however, refused to give him one, but volunteered to give him a verbal account of what took place. Siewerd, in addition, asked various questions of Arlen, the chief officer, and Imberg, the second officer. The following are the facts that were obtained by this process. Gronberg declared that he had taken no regular bearings, but had only made a rough approximate guess; that he had had no letter of marque at the time of the capture, but that, not wanting trouble, he had got one the same day after the capture. On being asked whether he remembered M. Grebnitzky saying to Siewerd, "I would seize you if you were 100 miles south of the islands," he replied, "Yes, I heard M. Grebnitzky say this."

To the questions put to him, M. Arlen, chief officer, replied that he had no idea whatever respecting the distance and bearing of the "Araunah" at the time of her

capture, as his opinion had not been asked, and he did not trouble about it. The entry made by him in the log was what the captain had given him.

In the opinion of M. Imberg, the second officer, the schooner was from 5 to 7 miles distant from the land.

I collect the following further facts from a letter, dated the 25th October, addressed by Mr. Siewerd to Her Majesty's Embassy :—

1. That the steamer "Alexander II" being the property of the Alaska Commercial Company of San Francisco, who are the lessees of the seal trade in the North Pacific Ocean, including Copper and Behring's Islands, and that Company treating its servants exceptionally well and providing them with liberal pensions, due caution should be taken in accepting Gronberg's evidence, as that of a servant of the Company, as regards the position of the ship, on which alone the whole case of the captors depends.

2. That the following conversation took place between Siewerd and M. Grebnitzky at the time of the capture. The former called the attention of the latter to the fact that he considered himself, when south of the island, in the open waters of the North Pacific Ocean. "I would take you," replied Grebnitzky, "100 miles south of the Commander Islands if found with seal-hunting outfit on board," thus claiming jurisdiction to the parallel of Atton Island.

Mr. Siewerd states that it is evident that M. Grebnitzky made the seizure in this belief.

3. Mr. Siewerd states that M. Grebnitzky is a civil officer, not a naval officer, that he is Inspector of the Commander Islands, that he receives a salary of 1,200 roubles per annum, that he is well feed by the Alaska Commercial Company, and that he does everything to further their interests, and to assist them in accomplishing their object, which is the extermination of private sealers, and the obtaining of a monopoly in this industry.

Lastly, I received a letter, dated the 25th October, from Messrs. Hall, Goepel, and Co., the owners of the ship, dated Victoria, British Columbia, the 25th October, in which those gentlemen assess their damages at 21,852 dol. 78 c., with recurring damages at the rate of 10,500 dollars per annum, should their claims not be settled by the 15th February next.

The points of law and others on which I am anxious to take advice before writing to the Russian Government are the following :—

1. What are the minimum formalities required to constitute the legal capture of a foreign ship for acts rendering such ship liable to capture? If the statements of the master of the "Araunah" are correct, the latter was captured by a ship belonging to a San Francisco private Company, with no Representative of the captnring Government on board but a Civil Inspector; and with no evidence of his holding a commission.

When challenged to show his authority he is unable or unwilling to show papers, and only points to a green flag with a white cross, flying from the maintop, as his authority.

I have ascertained that this flag was at one time the Russian Customs flag, that it is no longer so used, and has been superseded by a blue one; but I have not yet been able to ascertain when the supercession took place, which, of course, may turn out a point of capital importance.

2. What is the meaning of "letter of marque" in the sense used in the statements of the master of "Araunah"?

3. The master of the "Araunah" deposes to the sale by M. Grebnitzky at Petropaulski of the salt, stores, and provisions of the vessel, and of part of the personal property of the crew, without the confiscation having been declared legal by any authority but that of Grebnitzky himself.

It is nowhere stated that the schooner was disposed of, or that any steps were taken to have her condemned by a regular constituted Court. I have written to the owners to ascertain whether they have any knowledge on this subject. In the meantime, I presume I may assume that the sale of the ship's stores and the portion of the personal property of the crew on the sole authority of the captor was illegal.

4. How does the matter stand as regards the presumed assumption by Grebnitzky that Russia had a jurisdiction of 100 miles south of the Commander Islands? I regret to say that I am not *au fait* as to the present state of the controversy in regard to Russian claims to a *mare clausum* in the North Pacific.

Before concluding, I must allow myself an observation with reference to the description given by the master of the "Araunah" of the position of his ship at the

time of her capture, and of the circumstances which caused her being there. He says that at 6·30 A.M. he calculated that the schooner's position was 16 miles south by west of the southern extremity of Copper Island. At this time, there being a heavy fog and calm, he ordered the six canoes out for hunting. At 7·30 A.M., that is, an hour afterwards, the fog lifts, and the schooner is found at 6 miles distant from the south point of the island, with the canoes to the south and west of the schooner, at a distance, with one exception, of not more than 2 miles from her. The inference of the master is that he was carried by an unknown current from the spot at which he was at 6·30 to that at which he was captured at 7·30. If the diagram annexed to the affidavit taken before Her Majesty's Consul at Nagasaki is correct, this distance would be 17⅔ miles. It would, of course, not be fair to assume too great accuracy in a diagram of this kind. Nevertheless, the distance cannot be estimated at less than between 10 and 17 miles.

I do not know whether such currents exist, but, if they do, it seems strange that the master and crew of the "Araunah" should not have been fully aware of the fact from the beginning, and still stranger that the six seal canoes should have placidly carried on their hunting operations under its impulse, which they must have done, seeing that when the fog lifted, they were within a 2 miles radius of the ship.

I transmit the correspondence herewith.

I have, &c.
(Signed) R. B. D. MORIER.

P.S.—Since the above despatch was written for signature, I have gone carefully through the papers once more, and have noted two points which had previously escaped me:—

1. That in the certificate given by Grebnitzky he distinctly states the cause of the arrest of the "Araunah" to be that of seal-catching within the Custom-house limit near Medney (Copper) Island.

2. That in the protest addressed to the Governor of Vladivostock, which differs in some respects from the declaration made before Her Majesty's Consul at Nagasaki, the whereabouts of the canoes is entered upon, but not dealt with, as it appears to me, in a satisfactory manner, for Mr. Siewerd admits that the schooner being 6 miles off, one at least of her canoes was 3 miles away from her, which might bring it dangerously near, if not actually on the Custom-house limit; but then, further on, he admits hypothetically that the canoes might have been found within the Custom-house limits, and gives what he considers satisfactory explanations for their being there.

Lastly, he protests against the accusation made against the schooner that she was within the Custom-house limits, whereas the charge made by Grebrintzky is not that she (the schooner) was within those limits, but that she was seal-catching within them; an operation performed not by herself, but by the canoes sent out by her.

Under these circumstances I consider that the charge brought by Mr. Siewerd against M. Grebnitzky of having captured the schooner on the ground of her having been within 100 miles of Commander Isles need not be regarded as serious, seeing that we have to deal with a written declaration, bearing Grebnitzky's signature, to the effect that he captured the "Araunah" for catching seals within the Customs limits.

Accordingly it appears to me that all I can do at present is to inquire of the Russian Government whether the schooner has been condemned by a proper Court, if not, when and where her trial will take place, and what facilities will be afforded to the owners for defending themselves, and, in case she has been tried and condemned, to request that I may be furnished with the evidence on which the condemnation took place. Of course I should also inquire into the alleged sale of the ship's stores and provisions before she had been formally condemned.

This final consideration of the case suggests a very important legal question.

Supposing, which I strongly suspect would be found to be what actually happened, that the schooner was outside the 3-mile limit, but one or more of the canoes inside it, would a Russian ship have had a legal right to capture the "Araunah" outside the limit, that is on the high seas, for an infraction of Russian Fishing Laws by her canoes within the limit?

R. B. D. M.

Inclosure 1 in No. 6.

Mr. Siewerd to Mr. Dering, August 27, 1888.

[See Inclosure 5 in No. 4.]

Inclosure 2 in No. 6.

Petition.

(Translation.)
To his Excellency the Military Governor of Vladivostock.

The Petition of H. F. Siewerd, master of the British schooner "Araunah."

AFTER the capture of the British seal-catching schooner "Araunah," belonging to the port of Victoria, in British Columbia, Messrs. Hall and Goepel owners, for a certain infringement of the laws of His Imperial Majesty, I, the undersigned master of the above-mentioned schooner, feel myself bound to state as follows.

On the 1st July (N.S.) of the present year, about 6·30 A.M., and during a dense fog and calm, considering myself to the south-west and at a distance of 16 miles from the southern extremity of Medney Island, and thinking that I was in the open waters of the Pacific Ocean, I sent canoes for seal-hunting [*lit.*, "sporting."—J. M.].

About 7·30 the fog began to clear off, and it appeared that the schooner was east by south of the above point, and at a distance of 6 miles and more from it; the canoes were to the south-west of the schooner, and about 2 miles away from her, the most distant canoe being about 3 miles away from the ship.

While in this position I observed a steamer bearing down straight on us, and she proved to be the Russian merchant-steamer "Alexander," flying the Russian commercial flag at her gaff, and a green flag with a white cross at her maintopgallant mast.

She hailed the schooner, and I, the master, was ordered to come on board. When I got on board the steamer I was told by an officer who was on board (I subsequently discovered it was M. Grebnitzky) that the schooner was confiscated because she was too near to the coast. I wanted, and endeavoured to explain the reason of this, but was told that I could protest to the authorities at Vladivostock, whither an explanation of the circumstances of the case would be sent. As this officer, however, did not exhibit any documents establishing his identity, I asked him what was his authority for seizing the schooner, upon which M. Grebnitzky, pointing to the flag flying at main-topgallant mast, replied that was his authority. After this the officers and sailors of the crew were arrested and transferred on board the steamer. The schooner was towed to the Settlement of Medney Island, to which 133 of our seized seal-skins were conveyed.

Of these 133 skins, two were obtained during the fog of the 1st July, and the remaining 131 skins were procured on the north-western coast of America and on those of the North Pacific Ocean. After this the schooner was sent to Petropaulovski, where the salt, crew's provisions, &c., were sold by M. Grebnitzky.

Having described the circumstances of the case, I have the honour to state to your Excellency that I protest against the accusation made against the schooner that she was within the Custom-house limit, *i.e.*, less than 3 miles from the shore. The following may serve as proofs.

During the fog and calm the schooner was carried by an unknown current to the north and east from her course; the canoes were dispatched to hunt, as already stated, during the fog and calm, because I considered I was 16 miles from the shore. If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there. The principal proof that the schooner was not less than 6 miles from the nearest point of the coast, and even more, is afforded by the fact that the steamer occupied two hours and forty minutes in steaming from the place of the schooner's seizure, which is situated to the east and south from the southern point to Glinka Settlement (the Settlement is north-west of the point, at a distance of 7 miles from it), the steamer towing the schooner at the rate of 6 miles an hour; measuring by the chart, it is evident that the schooner was at a greater distance than 6 miles from the nearest shore, *i.e.*, from the southern extremity of Medney Island; hence it follows

that the canoes could not have been within the limits of jurisdiction of the Custom-house.

In addition to this, I beg that the fact may be taken into consideration that there was no intention to infringe the laws of the Imperial Russian Government in any form soever, and that I was fishing [*lit.*, "hunting"], in accordance with the instructions of my owner, in the open waters of the Pacific Ocean. I would also add that I verbally informed M. Grebnitzky that I was bound to protest in the nearest British Government Office [*lit.*, "institution"], of which protest this Petition is a copy.

I, therefore, have the honour to request your Excellency not to leave the above-described case without examination, as also to convince yourself of the truth of my assertions by examining my crew under oath.

I request that a copy may be issued to me of this Petition.

Vladivostock, August 6, 1888.

I attest the correctness of this copy of the original.

(L.S.) (Signed) C. P. MUTZ (*sic*),
Rear-Admiral.

(Signed) H. POPOFF,
Chief of Chancery.

Inclosure 3 in No. 6.

Diagram.

[See Inclosure 4 in No. 4.]

Inclosure 4 in No. 6.

Certificate.

(Translation.)

THIS 19th day of June, 1888, by decision of the Superintendent of the Commodore Islands, in accordance with the Order of the Governor-General and the Notice issued by the Imperial Russian Government against illegal hunting and fishing within the limits of Russian territories in the Pacific Ocean, has been confiscated the schooner "Araunah," Siewerd master, for seal-catching near Medney Island, within the Customs limit

In proof of which this certificate, with seal attached, has been issued to Mr. Siewerd.

(Signed) GREBNITZKY,
Superintendent of Commodore Islands.

Victoria, British Columbia, June 19, 1888.

(Seal of Superintendent of Commodore Islands.)

Inclosure 5 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir, *Victoria, British Columbia, October* 25, 1888.

THE Russian steamer "Alexander II" arrived at San Francisco, California, from Petropaulovski, Kamtschatka, on the 12th October, 1888. I went to San Francisco for the purpose of obtaining a copy of the steamer's logs, by which I could prove the schooner's position at the time of seizure, as stated in my protest, and the contents of these logs had been shown to me privately both by the chief officer and chief engineer of steamer.

Upon consulting Her Britannic Majesty's Consul at San Francisco, California, I found that we had no power to compel the master of a Russian vessel in an American port to produce his logs; I therefore concluded to formally demand same of the master

of the steamer "Alexander II," the result of which you will see from inclosed affidavit.

In connection with the facts already submitted to you in the official documents, I take the liberty to bring to your notice a few remarks which I did not deem prudent to insert in the protest.

1. The steamer "Alexander II" is the property of the Alaska Commercial Company of San Francisco, California, the lessees of the seal islands in the North Pacific Ocean, including Copper and Behring's Islands.

The "Alexander II" hails from Vladivostock, and is commanded by Captain Gronberg, a resident of Oakland, California, who has been in the service of the Company for the past fourteen years.

The Alaska Commercial Company pays its servants well, and when after a term of years they are unfit for service, gives them a liberal pension; this liberality, of course, makes the employés, with perhaps few exceptions, pliable tools of the Company.

I mention this as the authority as to the schooner's position, &c., at time of seizure on the part of the Russian Government will be principally that of Captain Gronberg alone, and on account of the above facts should be taken with due caution.

2. At time of seizure I called attention of M. Grebnitzky to the fact that I considered myself in the open waters of the North Pacific Ocean when south of the islands, when he replied, "I would take you 100 miles south of the Commander Islands if found with seal-hunting outfit aboard," claiming jurisdiction to the parallel of Atton Island, and it is evident that he made the seizure in this belief.

3. As to M. Grebnitzky, the Representative of the Imperial Russian Government, I will briefly say what I learned about him.

Grebnitzky is a civil officer (no naval officer), is Inspector of the Commander Islands, said to receive a Government salary of 1,200 roubles per annum. It is an open secret that he is well feed by the Company and sees that everything is done to further the wishes and interests of the Alaska Commercial Company, one of which is the extermination of private sealers by either foul or fair means, and to obtain the monopoly of this industry.

The Russian Government will have no trouble to convince itself of the true character of Grebnitzky, as Dr. Grenevitzky, a military physician, who resided two years on Copper and Behring's Islands, has returned to Vladivostock on the 18th August, 1888, to report to his Excellency Governor-General Korff about the state of affairs on the islands and the relations of the Government's servant Grebnitzky to the Alaska Commercial Company. From this source sufficient can be learnt to prove beyond doubt that the seizure, although made by the person Grebnitzky as a Russian official, it was practically made by order and in the interest of the Company.

I have endeavoured to give you the undisguised facts of the case in my own way and language; I now here rest my case, and again earnestly pray you to use every means in your power to secure a restitution of the so unjustly and illegally confiscated property, and payment of the damages incurred.

I am, &c.

(Signed) F. H. SIEWERD,

Late Master of the British Schooner "Araunah."

Inclosure 6 in No. 6.

Mr. Siewerd to Mr. Dering.

Sir, *Port of San Francisco, California, October* 18, 1888.

IN order to obtain the proof of the assertions made in my protest against the illegal seizure of the British sealing-schooner "Araunah," which protest I forwarded to you from Nagasaki, Japan, I called upon Captain Gronberg on board the Russian merchant-steamer "Alexander II," now lying at this port, and in presence of the undersigned witness, Captain George Ball, asked Captain Gronberg for a copy of the steamer's logs of the day 1st July, 1888, on which day said steamer "Alexander II," of which said Captain Gronberg was then master, captured the British sealing-schooner "Araunah," off Copper Island. Captain Gronberg flatly refused to give any copy of the logs, but volunteered to give me a verbal account.

Captain Gronberg states, "The schooner bore at time of capture about east by south-half-south, distant 3 miles from south-east point of island."

I asked, "By what method did you determine this distance, by cross bearings or four point bearings?"

Captain Gronberg replied, "I just made a rough guess."

Captain Ball, the witness, spoke, "Your judgment as to distance is then only by an approximation?"

Captain Gronberg replies, "Yes, Sir."

I then asked of Captain Gronberg, "Had you a letter of marque at the time you captured the 'Araunah'?"

Captain Gronberg answered, "No, Sir, but I got the letter the same day after the capture as I did not want any trouble."

I asked, "Do you remember having heard M. Grebnitzky say, 'I would seize you if you were 100 miles south of the islands?'"

Captain Gronberg replied, "Yes, I heard M. Grebnitzky say this."

I next asked M. Arlin, chief officer, "Do you know the distance and bearing of the 'Araunah' at the time your steamer captured her?"

M. Arlin replied, "I have no idea whatever; as my opinion was not asked, I did not trouble about it."

I asked, "Did you not make the entry in the ship's log?"

M. Arlin replied, "Yes, I copied what the captain gave me."

I also questioned M. Truber, second officer, as to his knowledge as to the bearing and distance of the "Araunah" at time of capture.

M. Truber states, "In my opinion the schooner was about 5 to 7 miles from the land."

We, the Undersigned, solemnly swear that we have carefully read over the foregoing, and that it is a true and correct statement of the interview which took place on board the Russian merchant-steamer "Alexander II" on Tuesday, 16th October, 1888.

(Signed) H. F. SIEWERD, *late Master of British Schooner "Araunah."*

(Signed) GEORGE BALL.

Subscribed and sworn to at the British Consulate, San Francisco, this 18th day of October, 1888.

Before me,

(Signed) DENIS DONOHOE, *Consul,*
San Francisco.

(Consular Stamp.)

Dominion of Canada, Province of British Columbia:

I, John Joel Austin, a Notary Public duly commissioned for the Province of British Columbia, hereby certify that I have carefully examined the document hereto annexed, contained on three folios, with the original sworn declaration and letter, and declare that the annexed is a true and correct copy of said original letter and all attestations thereto.

In witness whereof I have hereunto set my hand and seal of office at Victoria, this 25th day of October, 1888.

(Signed) JNO. J. AUSTIN, *a Notary Public in and for the Province of British Columbia.*

(Seal.)

Inclosure 7 in No. 6.

Messrs. Hall, Goepel, and Co. to Mr. Dering.

Dear Sir, *October* 25, 1888.

WE last had the honour of addressing you on the 27th ultimo [?], copy of which has already gone forward. We now have the pleasure of inclosing affidavit, made before the British Consul at San Francisco, California, of Captain H. F. Siewerd and Captain Ball, relative to an interview had with the captain of the "Alexander II" (steamer) on his arrival at that port, *re* position of schooner "Araunah" at the time of seizure. The document we think explains itself, and greatly strengthens our case, taking into consideration the impossibility of making Gronberg produce his log-book, which is the private property of the Alaska Commercial Company. We also inclose

statement of claim amounting to 21,852 dol. 75 c. We have made this claim as clear as possible without exaggerating values, which will save a good deal of writing asking for explanation. The cost of schooner we have put at her market value ready for sea.

The outfit for sealing cruize is actual, for which we have vouchers.

The estimated catch of 2,100 skins, at per net profit 5 dollars per skin, we arrive at as follows:—

	Dol. c.
Gross value of skins at	7 50
Less allowed Indians per skin, and part of outfit, consumed in the shape of provisions, &c.	2 50
	5 00

The items following in Statement are actual. The foot-note also explains itself. The account bears interest at the rate of 10 per cent. per annum until paid. Also if we are not in a position on the 15th February, 1889 (the day on which the next season commences) to send out a schooner sealing, we shall incur the same amount of loss next year, and consequently are entitled to the same amount of damages, viz., the net profit on the catch, 10,500 dollars. The same for every ensuing year. We trust these explanations are clear to you, and that you will have no difficulty in placing our claim before the Russian Government. We inclose a letter from Captain Siewerd, promised in his to you of the 26th ultimo, which may, we think, be of assistance in establishing our claim. We can only ask you to do all in your power on our behalf, and thanking you for the trouble you have already been put to in this matter.

Awaiting your advice, we have, &c.

(Signed) HALL, GOEPEL, AND Co.

Inclosure 8 in No. 6.

STATEMENT of Claim made by Messrs. Hall, Goepel, and Co., of Victoria, British Columbia, owners of the British schooner "Araunah," against the Imperial Russian Government, for illegal seizure of said schooner "Araunah" by the steamer "Alexander II," in the open waters of the Behring's Sea, on the 1st day of July, 1888.

	Dol. c.
Cost of schooner ready for sea	8,000 00
Outfit for sealing cruize	2,032 62
Estimated catch of seals (2,100), at per net profit 5 dollars	10,500 00
Moneys laid out by master while in hands of Russian Government, for subsistence charges incurred	180 00
Wages to master and crew	860 13
Fare of master and crew from Vancouver to Victoria, British Columbia ..	30 00
Cost of transporting (? Indian) crew to west coast of Vancouver Island ..	250 00
Total	21,852 75

Bearing interest at the rate of 10 per cent. per annum, and recurring damages from loss of schooner of 10,500 dollars if not paid by the 15th February, 1889, and the same amount for every ensuing year.

(Signed) HALL, GOEPEL, AND Co.,
Owners of British Schooner "Araunah."

October 25, 1888.

No. 7.

The Marquis of Salisbury to Sir R. Morier.

Sir, *Foreign Office, December* 11, 1888.

I HAVE received your Excellency's despatch of the 30th ultimo relative to the seizure of the British schooner "Araunah" by a vessel belonging to the Alaska Commercial Company, and to the detention of the ship and sale of her stores at Petropaulovsk.

I am of opinion that the proper course will be that you should in the first instance, as you suggest, address a note to the Russian Government, inquiring

whether the schooner has been condemned by a proper Court, and, if so, requesting to be furnished with the evidence on which the condemnation took place; but, if not, requesting to be informed when the trial will take place, and what facilities will be afforded to the owners for their defence; and further inquiring into the alleged sale of the ship's stores and provisions before she had been formally condemned.

Upon receipt of the reply of the Russian Government, any points of law which may arise upon it can, if necessary, be referred to the Law Officers of the Crown.

Judging from the evidence at present in the possession of Her Majesty's Government, the proceedings would seem to call for the fullest inquiry. But it would be premature to do more than claim such inquiry before the statement of the opposite party has been received.

I am, &c.
(Signed) SALISBURY.

No. 8.

Sir R. Morier to the Marquis of Salisbury.—(Received December 17.)

(Extract.) *St. Petersburgh, December* 12, 1888.

WITH reference to previous despatches, and to your Lordship's of the 4th instant, transmitting copies of correspondence with the Canadian Government on the subject of the seizure of the schooner "Araunah," I have the honour to inclose copy of a letter which I have addressed to Messrs. Hall and Goepel, the proprietors of the ship.

I confess that the more I have looked into the case the more I have inclined to the belief that, though the schooner herself was outside the territorial waters, the hunting canoes were either inside the limit or dangerously near to it.

Inclosure in No. 8.

Sir R. Morier to Messrs. Hall, Goepel, and Co.

Gentlemen, *St. Petersburgh, November* 30, 1888.

HAVING received the final communication which you had announced from the master of the "Araunah," I have submitted the whole case to a careful examination, with a view to submitting it to the Russian Government. In doing so, however, I have found that there are some points which require elucidation, and respecting which, therefore, I have to request you to give me further information.

1. As regards the positions of the schooner at 7·30. In Mr. Siewerd's declaration it is stated that at 6·30 A.M. he was distant 16 miles south by west of the southern extremity of Copper Island, at which time he ordered the canoes out for hunting. At 7·30 A.M., that is, an hour afterwards, the fog having lifted, the schooner was found to be east by south 6 miles distant from the south point of the island, with the canoes out at 2 miles distant from the sloop, one only being as far as 3 miles. A diagram giving these positions approximately accompanies Mr. Siewerd's declaration, and according to this declaration the space traversed by the schooner between 6·30 and 7·30 A.M., that is, one hour, must have been 17½ miles, and as the canoes had remained in proximity to the ship, they also, whilst carrying on their hunting operations, must have been drifting at the rate of between 15 and 17 miles an hour. The tremendous rapidity of this current, which it is stated appears upon no chart, and of which the master of the sloop does not seem to have been aware, though carried along at this great rate of speed, requires some explanation.

2. Much is made by Mr. Siewerd of the statement of Grebnitzy that he would have seized the "Araunah," had she been fitted out with apparatus for seal-catching, anywhere within 100 miles south of Commander Islands. Had he assigned this as his true motive for capturing the ship, the case would be a very grave one, but as he has given his motives for capturing the ship in a written declaration, we are bound to go by that, and are not at liberty to go outside this declaration and supersede a document signed and sealed by anything he may have said *vivâ voce*.

It appears to me that it is of extreme importance to note the exact words of the certificate, which does not state that he confiscated the schooner for being within the Customs limit, but for seal hunting within the Customs limit of Medney Island.

Now, it appears from the descriptions given by Mr. Siewerd that the seal hunting is not performed by the seal schooners themselves, but by the canoes which are dispatched from them, and I take it that the point that will have to be determined will be whether any of the canoes were within the Customs limit. On this point it appears to me that the Petition addressed by Mr. Siewerd to the Governor of Vladivostock is far from clear. He admits that one of his canoes was 3 miles away from the ship, while the ship was 6 miles away from the land, which might bring it dangerously close if not actually on the Custom-house limit. In another portion of the Petition, however, he seems himself in doubt upon the subject, for he says, "If the canoes were found within the Custom-house limits, the foregoing circumstances would explain their presence there." I would further add with regard to this Petition that Mr. Siewerd protests "against the accusation made against the schooner that she was within the Custom-house limits, *id est*, less than 3 miles from the shore." As before stated in the only official document which has been forwarded to me, namely, M. Grebnitzky's certificate, this accusation is not made the motive assigned for her seizure, but that she was seal hunting within those limits, that is, that the canoes were within those limits. The conversation between Siewerd and Captain Gronberg, of which an affidavit is given in Mr. Siewerd's letter of the 18th October, throws no light upon the subject, because all that Captain Gronberg vouchsafes to say is that the schooner was about east by south and a half south, distant 3 miles from the south-east point of the island, which might leave her just inside or outside the limit. It is therefore perfectly clear that the ground they will take up will be that the canoes and not the schooner were within the limits. You must, therefore, be prepared with all the evidence you can procure to disprove the presence of the canoes there.

3. Mr. Siewerd states, in both his declaration and Petition, that the stores, salt, &c., of the "Araunah" were sold at Petropaulovski on no other responsibility than M. Grebnitzky's. No mention, however, is made of the schooner itself, and I have therefore to request you to inform me whether it is within your knowledge that she has been brought, or that it is intended to bring her, before a Court for condemnation, and, in that case, before what Court?

I will, in conclusion, call attention to a slight discrepancy as regards the number of the seal-skins landed at Copper Island, which, in the declaration before Her Majesty's Consul are described as being 136, and in the Petition to the Governor of Vladivostock as 133.

I am, &c.
(Signed) R. B. D. MORIER.

No. 9.

Lord Stanley of Preston to Lord Knutsford.—(Received at the Foreign Office, January 5, 1889.)

My Lord, *Government House, Ottawa, November 27, 1888.*

REFERRING to my despatch of the 6th instant, I have the honour to transmit to your Lordship a copy of an approved Report of a Committee of the Privy Council, submitting copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II."

I have, &c.
(Signed) STANLEY OF PRESTON.

Inclosure 1 in No 9.

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor-General in Council on the 26th November, 1888.

ON a Memorandum, dated the 22nd November, 1888, from the Minister of Marine and Fisheries, recommending that copies of further correspondence on the subject of the seizure of the British schooner "Araunah" in Behring's Sea by the Russian merchant-steamer "Alexander II" be also forwarded, through the proper channel, to Her Majesty's Government, in conjunction with the Minute of Council of the 22nd October last, on the same subject, the Committee advise that your Excellency

be moved to forward copies of the papers herewith to the Right Honourable the Secretary of State for the Colonies, for transmission to the Foreign Office, in further support of the claim to be preferred.

All which is respectfully submitted.

(Signed) JOHN J. McGEE, *Clerk, Privy Council.*

Inclosure 2 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. J. A. Chapleau.

Sir, *Victoria, British Columbia, October* 26, 1888.

WE last had the honour of addressing you on the 21st ultimo, and have since received your letter of the 1st instant acknowledging same, stating that the seizing of the schooner "Araunah" by the Imperial Russian Government will receive consideration at the hands of your Government. We now have the honour to inclose copy of a letter forwarded yesterday to H. N. Dering, Esq., St. Petersburgh, Russia; also copy of statement of claim; as also notarial copy of affidavit made in San Francisco, California, before the British Consul, by the late captain of the schooner and Captain Ball.

We trust these papers, which complete our evidence, will also receive the consideration of your Government, and that you will be able to urge our claim against the Russian Government.

We have, &c.

(Signed) HALL, GOEPEL, AND Co.

Inclosure 3 in No. 9.

Mr. Siewerd to Mr. Dering, October 18, 1888.

[See Inclosure 6 in No. 6.]

Inclosure 4 in No. 9.

Certificate.

[See Inclosure 6 in No. 6.]

Inclosure 5 in No. 9.

Messrs. Hall, Goepel, and Co. to Mr. Dering, October 25, 1888.

[See Inclosure 7 in No. 6.]

Inclosure 6 in No. 9.

Statement of Claim.

[See Inclosure 8 in No. 6.]

No. 10.

Sir R. Morier to the Marquis of Salisbury.—(*Received January* 14, 1889.)

My Lord, *St. Petersburgh, December* 30, 1888.

I HAVE the honour to transmit herewith copy of a letter which I have addressed to M. de Giers on the subject of the seizure of the "Araunah," in compliance with the instructions contained in your Lordship's despatch of the 11th instant.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 10.

Sir R. Morier to M. de Giers.

M. le Ministre, *St. Petersburgh, December* 30, 1888.

I HAVE the honour to call your Excellency's attention to the following statement with reference to an incident which occurred off the southern extremity of Copper Island on the 1st July of the present year.

The "Araunah," a British schooner from British Columbia, master F. H. Siewerd, equipped for seal hunting, found herself on the date in question, at 6·30 A.M., in a heavy fog and calm, 16 miles south by west off the southern extremity of Copper Island. Judging himself to be in the open waters of the North Pacific Ocean, the master ordered the canoes out for hunting. At about 7·30 A.M. the fog lifted, when the schooner was found to be east by south at a distance of about 6 or more miles from Copper Island, having been carried by a current not marked upon the Chart, with the canoes out at various distances to her south and west, and at about 2 miles away from her, the most distant being 3 miles off. When in this position a steamer was sighted, which bore at once down upon the schooner. This proved to be the "Alexander II," a ship belonging to the Alaska Commercial Company of San Francisco. She was flying at the peak the Russian merchant ensign, and at the maintop a green flag with a white cross. The name of her master was Gronberg, that of the chief officer Arlin, and of the second officer Imberg, all of them servants of the American Company; but besides these there was on board a M. Grebnitzky, a civilian, who described himself as "Superintendent of the Commander Islands." By his orders the "Araunah" was hailed, and her master brought on board the "Alexander II." M. Grebnitzky then informed him that he would confiscate the schooner for fishing too near the land. Mr. Siewerd asked him on what authority he acted. M. Grebnitzky produced no documentary evidence, but pointed to the flag at the maintop, the green one with a white cross, saying that that was his authority. The officers and crew of the "Araunah" were then transferred on board the "Alexander II," by which the British vessel was towed to the Settlement of Glinka on Copper Island. Here the seal-skins, 136 in number, were landed, and the ship's papers delivered to M. Grebnitzky. The schooner was then brought by a crew from the "Alexander II" to Petropaulovski, and upon her arrival the salt stores and provisions, as well as a part of the personal property of her crew, were sold by M. Grebnitzky, without the confiscation having been declared to be legal by any authority but his own.

I have been instructed by Her Majesty's Government to request your Excellency to cause an inquiry to be made by the proper authorities into the circumstances of the seizure of this schooner, which, upon the evidence at present before them, seems to have been of an arbitrary, not to say illegal, character. I have specially to inquire whether she has been condemned by a proper Court, and, if so, to request that your Excellency will kindly furnish me with the evidence on which the condemnation took place, or, in the case of her not yet having been condemned, that I may be informed when her trial will take place, and what facilities will be afforded to the owners for their defence. I have at the same time the honour to request you to furnish me with information with respect to the alleged sale of the ship's stores and provisions before she had formally been condemned.

I have, &c.
(Signed) R. B. D. MORIER.

No. 11.

Sir R. Morier to the Marquis of Salisbury.—(Received August 30.)

(Extract.) *St. Petersburgh, August* 26, 1889.

I HAVE the honour to transmit herewith the inclosed copy of a note from the Russian Government, dated the 4th (16th) instant, in reply to my note of the 18th (30th) December, respecting the case of the schooner "Araunah," confiscated by the Russian authorities for unlawful seal-hunting in the proximity of Copper Island.

The case is too full of legal points for me to undertake to reply to the Russian note before it has been submitted to your Lordship's consideration.

Inclosure in No. 11.

M. de Giers to Sir R. Morier.

Ministère des Affaires Étrangères, Saint-Pétersbourg, le 4 (16) Août, 1889.

M. l'Ambassadeur,

J'AI exactement reçu la note de votre Excellence en date du 13 (25) [? 18 (30,)] Décembre, 1888, relative à l'affaire du schooner Anglais "Araunah," confisqué par les autorités Russes pour s'être livré à la chasse des otaries à proximité de l'Ile Medney.

Votre Excellence ayant demandé de recevoir communication des informations que les autorités Impériales auraient été, de leur côté, en mesure de fournir sur cette affaire, j'ai l'honneur de vous faire part des données que m'a transmise à cet égard M. le Gouverneur-Général de l'Amour.

Vous voudrez bien en relever, j'espère, M. l'Ambassadeur, que la conduite de l'autorité Russe en cette circonstance a été tout à fait régulière.

En ce qui touche d'abord l'essence même de l'affaire, c'est-à-dire la confiscation du bâtiment Anglais, cette mesure se trouve entièrement justifiée par le fait que "l'Araunah" se livrait à la chasse des otaries dans la limite de nos eaux territoriales. Les pièces du dossier communiqué par M. le Gouverneur-Général et notamment le Rapport de l'autorité qui a constaté le flagrant délit, c'est-à-dire ici M. Grebnitzsky, Intendant des Iles du Commandeur, ne laissent aucun doute à cet égard. L'impossibilité pour M. le Capitaine de "l'Araunah" de dénier aujourd'hui le caractère régulier de la saisie résulte d'ailleurs d'un document également joint au dossier ; c'est l'acte de confiscation dressé par M. Grebnitzsky et sur lequel Mr. Siewerd a opposé sa signature sans protestation, bien qu'il ait été averti par l'Agent Russe, ainsi qu'il ressort d'une attestation écrite sur le dit acte par un citoyen Américain présent sur les lieux, M. Malovansky, qu'en apposant sa signature, le capitaine Anglais devait faire mention des réclamations qu'il pourrait avoir à élever; faute de quoi aucune réclamation ultérieure de sa part ne serait admise.

Plus tard, sans doute, malgré cet avertissement, Mr. Siewerd a adressé une protestation au Gouverneur de Vladivostock dans laquelle il a prétendu que les canots du schooner confisqué, lancés à la mer pour la chasse des otaries, ne se trouvaient pas à une distance de moins de 3 milles du rivage. Mais, indépendamment de la question de savoir si c'est à une portée de 3 milles seulement que doivent être étendues les eaux territoriales, cette déclaration du capitaine Anglais perd sa valeur :—

1. Par le fait qu'elle est postérieure à la signature par lui de l'acte de confiscation dressé dans les conditions énoncées plus haut ;

2. Parce que dans sa même protestation le Sieur Siewerd semble admettre lui-même, quelques lignes plus loin, que les canots de son bâtiment avaient pu être trouvés par M. Grebnitzky en deça de la ligne Douanière des eaux Russes ;

3. Attendu que M. l'Intendant des Iles du Commandeur affirme catégoriquement que deux chaloupes du schooner confisqué se trouvaient à une distance d'une demi-mille du rivage, et qu'à bord du schooner se trouvaient deux otaries non encore éventrées.

En général, les allégations du capitaine de "l'Araunah" par rapport à la position qu'occupaient en mer le schooner et les canots sont assez vagues et ne sont rien moins que prouvées. Une considération qui dépose en outre contre lui, est que son journal de bord, tenu jusqu'à là, à ce qu'il semble, régulièrement, s'arrête à la date du 5 Juin, ce qui enlève la possibilité pour lui d'établir juridiquement ses dires et soutenir qu'à la veille de la confiscation et au matin de ce jour-là il se croyait en pleine mer. Quant au cahier, trouvé également parmi ses papiers et qui semble lui avoir servi, par intervalles, de brouillon pour la tenue de son journal de bord, il ne saurait être reconnu comme pièce ayant une qualité juridique obligatoire.

Votre Excellence ayant bien voulu demander d'être renseigné sur la sanction qu'avait pu recevoir ultérieurement l'acte de confiscation prononcé par M. Grebnitzky, je crois devoir vous faire part de ce qui suit.

M. Grebnitzky s'étaient empressé de présenter un Rapport détaillé de l'affaire, avec les pièces à l'appui, à M. le Gouverneur-Général de l'Amour ; celui-ci, après examen, a reconnu que la conduite tenue par cet Agent avait été tout à fait régulière, et en vertu des pouvoirs qui lui appartenaient, a donné à la mesure de confiscation la sanction de l'autorité administrative supérieure.

Pour ce qui est de la vente faite par M. Grebnitzky des provisions de bord,

trouvées par lui sur "l'Araunah," cet Agent expose dans son Rapport qu'il y a été pour les motifs suivants.

N'ayant pas à sa disposition la somme nécessaire pour expédier à Vladivostock l'équipage de "l'Araunah," M. Grebnitzky a dû vendre aux enchères, en remplissant les formalités voulues, les dites provisions; avec une partie de l'argent retiré de cette vente il a payé le transport de l'équipage, et le reste a été remis à la Trésorerie locale.

Telles sont, M. l'Ambassadeur, d'après les données fournies par l'autorité locale, les conditions dans lesquelles s'est accomplie cette affaire. En terminant je me permettrai de relever encore ce qui suit.

Le Gouvernement de Sa Majesté Britannique n'ignore pas que les bâtiments se livrant sans permission dans ces parages à la chasse des otaries causent à l'industrie locale des dommages incalculables. Il a reconnu lui-même l'urgence des mesures destinées à mettre fin à un pareil état de choses, et il est à regretter que les négociations entamées à Londres sur cette matière n'aient pas abouti jusqu'à présent.

En portant ce qui précède à votre connaissance, je saisis, &c.

(Signé) GIERS.

(Translation.)

M. l'Ambassadeur, *Foreign Office, St. Petersburgh, August* 4 (16), 1889.

I RECEIVED in due course your Excellency's note dated the 13th (25th) [? 18th (30th)] December, 1888, respecting the affair of the British schooner "Araunah," confiscated by the Russian authorities for being engaged in sealing in the neighbourhood of the Island of Mednoy.

Your Excellency having requested to be provided with such information as the Imperial authorities may be able to furnish upon this point, I have the honour to communicate to you the facts which have been transmitted to me by the Governor-General of the Amour with regard to the matter.

Your Excellency will, I hope, be convinced by them that the conduct of the Russian authorities was perfectly regular.

First, as regards the pith of the whole matter, viz., the confiscation of the British ship, this proceeding is entirely justified by the fact that the "Araunah" was engaged in sealing within the limits of our territorial waters. The file of papers communicated by the Governor-General, and especially the Report of the officer who proved that the vessel had been captured in the act, viz., M. Grebnitzky, the Superintendent of the Commander Islands, leave no doubt upon this point. Besides, another document belonging to the same file renders it impossible for the captain of the "Araunah" now to deny the regular nature of the seizure: I mean the deed of confiscation, which was drawn up by M. Grebnitzky and countersigned, without any protest, by Mr. Siewerd, though, as is proved by a statement written on the said deed by Mr. Malovansky, an American citizen, who was present at the time, he had been warned by the Russian Agent that on affixing his signature, he (the English captain) must mention any claims which he might have to raise, as no later claim would be recognized, if this formality was not fulfilled. It is true that Mr. Siewerd, in spite of the warning, subsequently addressed a protest to the Governor of Vladivostock, in which he asserted that the canoes of the confiscated steamer, which had put to sea after fur-seals, were not within a distance of 3 miles of the shore. But, apart from the question whether territorial waters only extend to a distance of 3 miles, the English captain's declaration is valueless for the following reasons:—

1. Because it is subsequent to the signature by him of the act of confiscation drawn up under the conditions stated above.

2. Because in this same protest Mr. Siewerd himself seems to admit, a few lines further on, that the canoes may have been within the Customs line of the Russian waters.

3. Because the Superintendent of the Commander Islands affirms categorically that two boats of the schooner were at a distance of half-a-mile from the shore, and that two seals not yet disembowelled were found on board the schooner.

Generally, the statements of the captain of the "Araunah" as to the position on the sea occupied by the schooner and the canoes are very vague and very far from being proved. Besides, an argument against him is that the log-book, which seems till then to have been regularly kept, stops at the date of the 5th June, which makes it impossible for the captain to establish his assertions judicially, and prove that on the eve of the confiscation, and on the morning of the day, he believed himself to be on

the high sea. As for his diary, which was also among his papers, and seems to have been occasionally used by him for rough copies of the entries in the log-book, that cannot be admitted as a document having any obligatory judicial weight.

The following is in answer to your Excellency's request to be informed what sanction the deed of confiscation pronounced by M. Grebnitzky subsequently received.

M. Grebnitzky lost no time in presenting a full Report of the matter, with documentary evidence in support, to the Governor-General of the Amour; and the latter, after examination, declared the Agent's behaviour to have been absolutely regular, and, in virtue of his powers, gave to the deed of confiscation the sanction of the superior administrative authority.

For the sale by M. Grebnitzky of the provisions which he found on board the "Araunah," the Agent gives in his Report the following reasons:—

As he had not at his disposal the sum necessary for sending the crew of the "Araunah" to Vladivostock, M. Grebnitzky had to sell the said provisions by auction, after going through the proper formalities. With part of the proceeds he paid the journey of the crew; the remainder was paid into the local Treasury.

Such, M. l'Ambassadeur, according to the statements of the local authorities, are the conditions under which the affair took place. I take the liberty, in conclusion, of calling attention to the following point:—

The Government of Her Britannic Majesty are well aware of the incalculable damage done to local industry by vessels engaging without permission in fur-sealing in these waters. They have themselves recognized the urgent need for measures to put an end to such a state of things, and it is to be regretted that the negotiations commenced with regard to this matter in London have till now remained without result.

Having thus brought these facts to your notice, I take, &c.

(Signed) GIERS.

No. 12.

The Marquis of Salisbury to Sir R. Morier.

Sir, *Foreign Office, October* 3, 1889.

I DULY received your Excellency's despatch of the 26th August, containing the reply of the Russian Government to the note which you had addressed to them on the 30th December last respecting the case of the schooner "Araunah," which was confiscated in July 1888 by M. Grebnitzky, the "Superintendent of the Commodore Islands," for unlawful seal-hunting in the proximity of Copper Island.

Before Her Majesty's Government can form any decided opinion as to their future action in the case, it is necessary that they should be furnished with fuller information than they now possess on the following points:—

1. As to the legal position and authority of M. Grebnitzky. It appears that he described himself in the certificte dated the 19th June (1st July, 1888), as "Superintendent of the Commodore Islands," acting "in accordance with the order of the Governor-General, and the Notice issued by the Imperial Russian Government against illegal hunting and fishing with the limits of Russian territories in the Pacific Ocean," and in M. de Giers' note, inclosed in your despatch under reply, the "Araunah" is spoken of as "confisqué par les autorités Russes." I should be glad to know the exact position of this official, and under what authority he acted throughout in the matter.

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with white cross at the main. I should be glad to know whether this latter flag, which is now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., July 1, 1888, and what was the actual date on which the change was made.

3. I should also be glad to be furnished with a copy of the Russian Law, if such exists, conferring upon the Governor-General of Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah,"

without the intervention of any legal Tribunal, or regular hearing of the parties implicated.

And, finally, I should wish to see a translation of any fishing or hunting Laws or Customs Regulations which the Russian Government may inform you are applicable to the case.

I have to request your Excellency to endeavour to obtain the information and documents mentioned above, together with any further explanations which you may think useful, with a view to obtaining an opinion from the Law Officers of the Crown on the legal aspect of the case.

I am, &c.
(Signed) SALISBURY.

No. 13.

The Marquis of Salisbury to Sir R. Morier.

Sir, *Foreign Office, February* 14, 1890.

I SHOULD be glad to know whether your Excellency has been able to obtain the further information in connection with the case of the "Araunah" asked for in my despatch of the 3rd October last.

I am, &c.
(Signed) SALISBURY.

No. 14.

Sir R. Morier to the Marquis of Salisbury.—(Received February 24.)

My Lord, *St. Petersburgh, February* 19, 1890.

WITH reference to your Lordship's despatch of the 14th instant, I have the honour to state that I have as yet failed to obtain from the Russian Foreign Office the additional information your Lordship asks for respecting the case of the "Araunah." I wrote a *note verbale* on the subject upon receipt of your Lordship's despatch of the 11th December, 1888, and after an interval I left a Memorandum on the subject with M. de Giers. I shall now address a formal note on the subject, with, I hope, better results.

I have, &c.
(Signed) R. B. D. MORIER.

No. 15.

Sir R. Morier to the Marquis of Salisbury.—(Received March 24.)

My Lord, *St. Petersburgh, March* 19, 1890.

WITH reference to previous correspondence, I have now the honour to transmit to your Lordship herewith copies of the *note verbale* which I addressed to M. de Giers on the 21st October last, embodying the queries respecting the "Araunah" contained in your Lordship's despatch of the 3rd October last, and of a note from M. de Giers, dated the 15th instant, in which answers to these queries are furnished. Your Lordship will perceive that query No. 3 of my *note verbale*, in which I ask to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a Decree of Confiscation upon vessels seized on similar grounds to the "Araunah," apparently without the intervention of any Court of Law, is left unanswered, and that there is only the statement of fact that "toutes les causes résultant de l'application des règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour qui en décide en dernière instance."

It can be safely asserted that the investiture of the Governor-General with these prerogatives rests upon no law properly speaking, but is the result of administrative arrangements emanating directly from the Sovereign in the exercise of his executive power.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure 1 in No. 15.

Note Verbale.

HER Britannic Majesty's Ambassador has the honour to present his compliments to his Excellency the Imperial Minister for Foreign Affairs, and to inform him that he has received a despatch from Her Majesty's Secretary of State respecting the confiscation of the schooner "Araunah," in which the Marquis of Salisbury states that Her Majesty's Government do not feel able to appreciate the considerations put forward by the Imperial Government in their note of the 4th (16th) August last without fuller information than they at present possess on the following points:—

1. What is the exact position of M. Grebnitzky, described as "Superintendent of Commander Islands," and under what authority he acted throughout in the matter?

2. What were the grounds and authority upon which the seizure of the "Araunah" was made by the "Alexander II"? This latter vessel is described as a steamer belonging to the Alaska Commercial Company of San Francisco. She is stated to have been flying the Russian merchant ensign at the peak, and a green flag with a white cross at the main. Lord Salisbury would be glad to know whether this latter flag, which is said to be now superseded by a blue one, had ceased to be the Russian Imperial Customs flag at the time the seizure was effected, viz., the 1st July, 1888, and what was the actual date on which the change was made?

3. Lord Salisbury would also be glad to be furnished with the text of the Russian Law conferring upon the Governor-General of the Amour the power of pronouncing a decree of confiscation upon vessels seized on similar grounds to the "Araunah," without apparently the intervention of any Court of Law, or regular hearing of the parties implicated.

Her Britannic Majesty's Ambassador has accordingly the honour to request his Excellency the Minister of Foreign Affairs to be good enough to enable him to furnish Her Majesty's Government with the information they desire, and Sir Robert Morier seizes the opportunity to renew to M. de Giers the assurance, &c.

British Embassy, St. Petersburgh, October 9 (21), 1889.

Inclosure 2 in No. 15.

M. de Giers to Sir R. Morier.

M. l'Ambassadeur, *Saint-Pétersbourg, le* 3 (15) *Mars*, 1890.

VOTRE Excellence a bien voulu me remettre à la date du 9 (21) Octobre dernier une note verbale dont il résulte que le Gouvernement de Sa Majesté la Reine est désireux d'obtenir des informations supplémentaires au sujet de la saisie de la goélette "Araunah." Les points sur lesquels le Gouvernement de la Reine tiendrait à être renseigné étant spécifiés dans la note en question, je me fais un devoir de vous communiquer ce qui suit:—

1. M. Grebnitzky, en sa qualité d'Intendant des Iles du Commandeur, est chargé de l'administration de ce territoire, et il relève directement du Gouverneur Militaire de la Province Maritime. C'est à lui aussi qu'incombe le devoir de veiller à l'application des Règlements qui interdisent aux navires étrangers, qui ne seraient pas munis d'une autorisation spéciale émanée du Gouverneur-Général de l'Amour, d'exercer le commerce, la chasse, ainsi que la pêche dans les eaux territoriales des Iles du Commandeur.

2. A défaut de navires de guerre, l'autorité locale a le droit d'employer, pour faire respecter les Règlements ci-dessus mentionnés, des navires marchands, qui, dans ces cas, ont à leur bord une garde militaire, et sont munis d'instructions spéciales. Le bateau à vapeur "Alexandre II," à bord duquel se trouvait M. Grebnitzky au moment de la saisie de "l'Araunah," était justement chargé à cette époque de la surveillance dans les eaux des Iles du Commandeur.

3. Le pavillon Douanier Russe n'a pas été changé; et

4. Toutes les causes résultant de l'application des Règlements ci-dessus mentionnés sont du ressort du Gouverneur-Général de l'Amour, qui en décide en dernière instance. Conformément à cet Article les pièces relatives à la saisie de "l'Araunah" ont été transmises à M. l'Aide-de-camp Général Baron Korf, qui, après avoir examiné les procès-verbaux dressés par M. Grebnitzky, ainsi que les requêtes du capitaine du

navire en question, a reconnu que la saisie avait été opérée dans les conditions prévues par les Règlements. et a prononcé la confiscation de "l'Araunah."

Enfin, pour satisfaire au désir exposé dans la note verbale de votre Excellence du 9 (21) Octobre dernier, je me fais un devoir de vous transmettre ci-après une traduction Anglaise du Règlement relatif à la prohibition du commerce, de la chasse, et de la pêche dans les eaux territoriales Russes de l'Océan Pacifique. Dans le but de prévenir des infractions à ce Règlement le Gouvernement Impérial a eu soin de le faire publier en 1882, par l'intermédiaire de ses Agents Consulaires, à San Francisco, ainsi que dans les ports du Japon ouverts au commerce étranger.

Veuillez, &c.
(Signé) GIERS.

(Translation.)

M. l'Ambassadeur, *St. Petersburgh, March* 3 (15), 1890.

YOUR Excellency was pleased to communicate to me on the 9th (21st) October last a *note verbale* stating that Her Majesty's Government is desirous of obtaining further information on the subject of the seizure of the schooner "Araunah." As the points on which Her Majesty's Government wish to be furnished with information are specified in the note in question, I have the honour to communicate to you the following:—

1. M. Grebnitzky, in his quality of Superintendent of the Commander Islands, is charged with the administration of that territory, and he is directly responsible to the Military Governor of the Maritime Province. It is also his duty to see to the application of the Regulations which prohibit foreign ships, without a special authorization from the Governor-General of the Amour, from trading and hunting, as well as fishing, in the territorial waters of the Commander Islands.

2. In default of ships of war, the local authority has the right of employing, to enforce the above-mentioned Regulations, merchant-ships, which, then, have on board a military guard, and are furnished with special instructions. The steamer "Alexander II," on board which M. Grebnitzky was at the moment of the seizure of the "Araunah," was so charged at this time with the police of the waters of the Commander Islands.

3. The Russian Customs flag has not been changed.

4. All the legal cases arising out of the application of the Regulations above mentioned are within the jurisdiction of the Governor-General of the Amour, who decides on them in the last instance.

Comformably to this Article, the documents relating to the seizure of the "Araunah" were sent to Aide-de-camp General Baron Korf, who, after having examined the *procès-verbaux* drawn up by M. Grebnitzky, as well as the demand of the captain of the vessel in question, decided that the seizure had been made under the conditions provided for by the Regulations, and pronounced the confiscation of the "Araunah."

Finally, to satisfy the desire expressed in the *note verbale* of your Excellency of the 9th (21st) October last, I have the honour to transmit to you an English translation of the Regulation relative to the prohibition of trading, hunting, and fishing in the territorial waters of Russia in the Pacific Ocean. With the object of preventing infractions of this Regulation, the Imperial Government took care to publish it, in 1882, through their Consular Agents in San Francisco, as well as in the Japanese ports open to foreign commerce.

Accept, &c.
(Signed) GIERS.

Inclosure 3 in No. 15.

Notice.

THE Russian Imperial Government hereby publishes for general knowledge the following:—

1. Without a special permit or licence from the Governor-General of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, &c., on the Russian coast or islands in the Okhotsk and Behring's Seas, or on the north-east coast of Asia, or within their sea boundary-line.

2. For such permit or licences foreign vessels should apply at Vladivostock exclusively.

3. In the port of Petropaulovski, though being the only port of entry in Kamtchatka, such permits or licences shall not be issued.

4. No permits or licences whatever shall be issued for hunting, fishing, or trading at or on the Commodore and Robben Islands.

5. Foreign vessels found trading, fishing, hunting, &c., in Russian waters without a licence or permit from the Governor-General, and also those possessing a licence or permit who should infringe in the existing bye-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the Government. This enactment shall be enforced henceforth, commencing with A.D. 1882.

6. The enforcement of the above will be intrusted to Russian men-of-war, and also to Russian merchant-vessels, who for that purpose will carry military detachments and provided with proper instructions.

No. 16.

The Marquis of Salisbury to Mr. Gosling.

Sir, *Foreign Office, May* 9, 1890.

I HAVE carefully considered, in communication with Her Majesty's Secretary of State for the Colonies, Sir Robert Morier's despatch of the 19th March last, and the note of M. de Giers inclosed therein, furnishing further information in regard to the seizure and confiscation of the British schooner "Araunah," when engaged in seal-hunting in the neighbourhood of Copper Island, a possession of the Russian Empire in the neighbourhood of Behring's Sea.

The whole of the correspondence which has passed in regard to this case has been submitted to the Law Officers of the Crown for their opinion upon the points of law involved.

It would appear from M. de Giers' note of the 3rd (15th) March that the Government of the Province of Amour, in which the Commander Islands (Copper Island forming one of that group) are included, is a purely military one, and that, subject to the supervision of the Governor-in-chief, the Intendant of the islands is the sole judicial as well as executive officer.

Her Majesty's Government are advised that a private vessel, with a duly authorized officer on board, and flying a proper flag, and under special instructions, may lawfully make a seizure such as the seizure made in this case by M. Grebnitzky.

Th y are further advised that there is nothing inconsistent with international law in the establishment by the Russian Government of such Tribunals as those indicated by the procedure in the case of the "Araunah."

So far, therefore, as the mode of proceeding is concerned, there appears to be no sufficient ground on which a protest or claim for compensation could be based.

With regard to the grounds on which confiscation was decreed, it is to be remembered that the master of the "Araunah" does not deny the statement of M. Grebnitzky that he signed the act of confiscation, which involved an admission of the alleged offence, and this without any intimation that he intended to protest against the decision, although he was duly warned that he ought then to submit any protest which he intended to make.

The evidence as to the actual position of the "Araunah" and her canoes at the time of the seizure is very conflicting. The master of the vessel says in his letter of the 29th October, 1888, that his ship was 8 miles off the southern extremity of Copper Island, but in his earlier telegram of the 9th August, 1888, he speaks of being within 6 miles of the southern extremity of the island. The captain of the "Alexander II" says that the "Araunah" was within 3 miles of the island, while the second officer of the first-mentioned vessel puts the distance at from 5 to 7 miles.

The canoes were out to the south and west of the vessel, that is to say, between it and the island, one of them, at least, at a distance of not more than 3 miles from it, and in M. de Giers' note of the 4th August, 1889, it is stated that M. Grebnitzky categorically affirms that two of the canoes were within half-a-mile of the shore.

Her Majesty's Government are of opinion that, even if the "Araunah" at the

time of the seizure was herself outside the 3-mile territorial limit, the fact that she was by means of her boats carrying on fishing within Russian waters without the prescribed licence warranted her seizure and confiscation according to the provisions of the municipal law regulating the use of those waters.

They do not, therefore, as at present advised, propose to address any further representation to the Russian Government in regard to this case.

I am, &c.
(Signed) SALISBURY.

RUSSIA. No. 1 (1890).

CORRESPONDENCE respecting the Seizure of the British Schooner "Araunah," off Copper Island, by the Russian Authorities.

Presented to the House of Commons by Command of Her Majesty. June 1890.

LONDON:

PRINTED BY HARRISON AND SONS.

SAMOA. No. 1 (1890).

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF SAMOA.

[In continuation of "Samoa No. 1 (1889)," C. 5629.]

Presented to both Houses of Parliament by Command of Her Majesty.
February 1890.

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Further Correspondence respecting the Affairs of Samoa.

[In continuation of "Samoa No. 1 (1889)," C. 5629.]

No. 1.

Mr. White to the Marquis of Salisbury.—(*Received April* 5.)

My Lord, *Legation of the United States, London, April* 4, 1889.

I HAVE the honour to acquaint your Lordship that I have been instructed by Mr. Blaine to inform Her Majesty's Government that Messrs. John A. Kasson, William Walter Phelps, and George H. Bates have been appointed Commissioners from the United States to the Conference which is shortly to be held at Berlin with respect to Samoan affairs.

I have, &c.
(Signed) HENRY WHITE.

No. 2.

The Marquis of Salisbury to Mr. White.

Sir, *Foreign Office, April* 10, 1889.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, informing me that Messrs. John A. Kasson, William Walter Phelps, and George H. Bates have been appointed Commissioners from the United States to the Conference to be held at Berlin in regard to Samoan affairs, and I beg leave to thank you for your communication.

I am, &c.
(Signed) SALISBURY.

No. 3.

Sir E. Malet to the Marquis of Salisbury.—(*Received April* 16.)

My Lord, *Berlin, April* 13, 1889.

I HAVE the honour to inclose herewith translation of a note, dated to-day, which I have received from Count Bismarck, Secretary of State for Foreign Affairs, stating that the Governments of Germany, England, and the United States having agreed to continue the Conference on Samoa which was adjourned at Washington in 1887, and official intelligence having been received of the intended departure of the American Delegates, the Imperial Government proposes the last week of this month for the meeting of the Conference at Berlin.

I have, &c.
(Signed) EDWARD B. MALET.

would be of the first importance, nothing is said in this part of the Report. Even if the other rebellious Chieftains had accepted the requisition made by Herr Knappe, without authorization from here, that the administration of the Samoa Islands and the duty of representing them abroad should be placed in the hands of Germany, and if Tamasese had agreed thereto, the situation would nevertheless have remained the same since the necessary assent of the Treaty Powers to such an alteration in the political conditions of the country had not been obtained. The situation would not be at all a difficult one if we had to reckon with Samoa alone, and not with the other two Powers. The distinction drawn by Dr. Knappe with regard to these proposals (and other), viz., that he had not brought them forward formally, is immaterial and does not alter either their importance or his responsibility; his non-formal proposal was also unauthorized, was contrary to the intentions of the Imperial Government, and was sure to have a retroactive effect on our position with the other Treaty Powers, as well as on our enemies in Samoa. It did not, moreover, suffice that Consul Knappe informed his English colleague confidentially that, according to the instructions which he had received, the taking over by Germany of the administration of Samoa lay without the aims of the Imperial Government. This communication should rather have been made publicly and officially, just as we officially disavowed this proposal of Consul Knappe's to the English and Amercian Governments.

The report that the dependents of Tamasese "awaited in loyal devotion the orders of the German Government" proves that Dr. Knappe did not clearly understand up to the last our relation to the people of Samoa. We have no orders to give them, as far as the ordering of their own affairs is concerned, nor have we any reason to undertake the ordering of those affairs. Our task there is limited to protecting the subjects of the Empire, and to assisting them in the favourable development of their industrial interests.

I do not understand the importance which Dr. Knappe ascribes to the appointment of a pilot for English and American ships. Such appointments, and their publication in Samoan newspapers, are events of daily occurrence.

The English and American Consuls have full authority to appoint any pilot whom it may please them for ships of their own flag, and have not thereby failed in their duty either towards ourselves or towards the Government of Tamasese, which is not recognized by England or the United States.

As regards the declaration by Dr. Knappe of the state of war, and the extension thereof to all foreigners residing in Samoa, I can only repeatedly direct your attention to those points of international law which are brought out in my note to the Acting Chief of the Admiralty of the 5th February, 1889, of which you have already been made aware.

No. 7.

Sir E, Malet to the Marquis of Salisbury.—(*Received April* 22.)

My Lord, *Berlin, April* 20, 1889.

WITH reference to my immediately preceding despatch, I have the honour to inclose a translation of a Circular issued by the Imperial Chancellor to the German Consular officers concerning the action to be taken by Naval Commanders on application being made to them by the Consuls to take active measures of a warlike nature.

The Circular in question is of considerable interest and importance in view of the existing state of affairs in Samoa.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 7.

Circular.

(Translation.)

THE Imperial Chancellor has issued a Circular, dated the 4th instant, which is to be sent to all the German Consuls, and which settles a question which, in view of the

proceedings in Samoa, has become of great interest at this moment. The Circular runs as follows:—

"*Berlin, April* 4, 1889.

"By Imperial Decree, dated the 19th ultimo, paragraph 4 of section 12 of the 'Instructions for the Commander of one of His Majesty's ships or vessels of the 28th September, 1872,' has been altered in such manner as will be seen from the Annex subjoined.

"The Commander of a ship of war is thereby bound in the future to test the legal and political bearing of any request made of him by any German Representative abroad, when the latter has no authorization or instruction from the Foreign Office to show; failing this, the Commander is to wait a higher decision, in case he does not share the view of the Consul as to the necessity of taking active measures of a warlike nature.

"It is not intended that the Commander shall be responsible for the political results of his carrying out any requisition.

"The authorization to test the legality and political expediency of requests made by the Consular officers on the spot is merely to afford an additional safeguard against dangers which might arise from an unquestioning compliance with the same.

"This Imperial Decree is, in the next place, occasioned by the recent events in Samoa, where an unauthorized Consular request, and an unquestioning compliance with the same, have resulted in much loss of life, and serious injury to German interests, and have, moreover, menaced us with quarrels with friendly Powers, without any valid and sufficient reasons existing for recourse to warlike proceedings.

"To avoid all misunderstanding, I emphasize the fact that the right of a Commander to object to a request, made without sufficient grounds or authorization, in no way absolves the German Representative from sole responsibility for having made such request.

"The political Representatives of the German Empire have to constantly bear in mind that the presence of Imperial men-of-war is no excuse for bringing forward other than such claims of subjects or authorities of friendly Governments as are based on international and Treaty rights.

(Signed) "BISMARCK."

"Annex.

"The Commanders of Imperial men-of-war act, in so far as the exigencies of the actual situation admit of the same relations as heretofore with an Imperial Representative, only on the proposal of the latter, in as far as he can show his authorization or instruction from the Foreign Office with reference to the requisition in question, or if danger to life and property, as regards Imperial subjects, would result from delay. Failing this, the Commander is under orders to examine into the right of such requisition from a legal and political point of view, with power to refuse to comply with the same.

"In other cases, the Commanders are merely responsible for the military success of the operations desired, and are only to decide as to the practicability of the same, and to maintain the honour of the German flag when once pledged.

"The Commanders are only authorized to deal personally with the authorities of the country, or Chiefs of uncivilized tribes, where there is no regular Consular Representative."

No. 8.

The Marquis of Salisbury to Sir E. Malet, Mr. Scott, and Mr. Crowe.

Gentlemen, *Foreign Office, April* 23, 1889.

THE Queen having been graciously pleased to appoint you to be Her Majesty's Plenipotentiaries at the Conference respecting the affairs of Samoa which is about to meet at Berlin, I transmit to you herewith a full power to that effect under the Great Seal.

I am, &c.

(Signed) SALISBURY.

No. 9.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.

(Extract.) *Foreign Office, April* 27, 1889.

I INFORMED you in my despatch of the 23rd instant that the Queen had been pleased to appoint you to be Her Majesty's Representatives at the approaching Conference on the affairs of Samoa.

The object which Her Majesty's Government have had in view in taking part, both in the Conference at Washington and in the present Conference, has been mainly to secure the adoption of measures which should lead to the establishment of a firm and stable Government in Samoa, and the maintenance of tranquillity in that group of islands. Their interest in the islands is commercial and not political, and the possession of political influence is therefore, in their view, only valuable for the purpose of preventing the recurrence of disturbances by which the peace of Samoa has been so frequently interrupted, and giving full opportunity for the development of trade.

The reports which have been sent in to the three Governments by their respective Consuls-General, and the impressions which have been left by past experience in these islands, do not leave to us much hope of the successful conduct of affairs by an aboriginal Government acting under the simultaneous impulse of three rival but co-ordinate Powers.

If, on the assembly of the Conference, it should appear that Germany and the United States are in agreement in wishing to try again the experiment of government under the advice of three co-ordinate and equal Powers, Her Majesty's Government do not feel themselves called upon to offer any opposition to that attempt. Whether it succeeds or not, it can hardly be more injurious than the existing state of things, and, therefore, if no other solution can be obtained, they do not feel themselves justified in preventing an arrangement for tranquillizing the islands on which the other two Powers seem inclined to rely.

The selection of a native Ruler will be a matter of difficulty, and probably will give rise to serious discussion. Her Majesty's Government have no other wish but that the Samoans should be governed by the Ruler they themselves prefer, and any arrangement for securing the free election of a Sovereign will have their hearty support.

But the liberty of choice may possibly be restricted in the view of some of the Powers by considerations arising out of past events.

The discussions which have already taken place bring out in a strong light the necessity of some authoritative determination of the conflicting land titles at present urged by members of the different nationalities concerned. It is very desirable that a Tribunal, strong and impartial enough to be able to arrive at a satisfactory determination of claims urged, either by the natives or by subjects of any of the three Powers, should be elected under the sanction of Treaty. Her Majesty's Government have, therefore, to instruct you to urge upon the Conference to agree upon provisions suitable for this purpose.

You will bear in mind the commercial interests which Her Majesty's British and Colonial subjects possess in these islands, and you will give the utmost attention to the elaboration of Regulations for giving to those commercial interests the utmost possible safeguard. The conditions under which the Municipality of Apia is to be administered are still a matter of controversy, and some authoritative and final decision of the Conference which may bring to an end all such disputes is urgently required.

Her Majesty's Government will give their best consideration to any proposals, if any such should be submitted to the Conference, for the establishment of telegraphic communication between Europe and these islands. There is little doubt that if such communication had existed, the conflicts between the various Consular authorities of three nations, which have been among the most embarrassing incidents of the disturbances in Samoa, would either have been entirely avoided or would have taken a less acute form.

No. 10.

Sir E. Malet to the Marquis of Salisbury.—(*Received April* 29.)

My Lord, *Berlin, April* 27, 1889.

I HAVE the honour to inform your Lordship that Prince Bismarck having asked me verbally whether I could lend one of the gentlemen belonging to the staff of Her Majesty's Embassy to act as one of the Secretaries at the approaching Conference on the affairs of Samoa, I have requested Mr. Beauclerk to undertake the duties in question.

I have, &c.
(Signed) EDWARD B. MALET.

No. 11.

Sir E. Malet to the Marquis of Salisbury.—(*Received April* 29.)

My Lord, *Berlin, April* 27, 1889.

I HAVE the honour to inclose herewith to your Lordship copy of a note which I have addressed to Count Bismarck, announcing to his Excellency the appointment by the Queen of Her Majesty's Plenipotentiaries at the approaching Conference on the affairs of Samoa.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 11.

Sir E. Malet to Count Bismarck.

M. le Comte, *Berlin, April* 26, 1889.

I HAVE the honour to inform your Excellency that the Queen, my Sovereign, has appointed me, together with Mr. Charles Stewart Scott, C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Berne, and Mr. Joseph Archer Crowe, C.B., Commercial Attaché for Europe, to be Her Majesty's Plenipotentiaries at the approaching Conference on the affairs of Samoa.

I have, &c.
(Signed) EDWARD B. MALET.

No. 12.

Sir E. Malet to the Marquis of Salisbury.—(*Received April* 29.)

(Extract.) *Berlin, April* 27, 1889.

THE United States' Plenipotentiaries to the Samoan Conference, Mr. Kasson, Mr. Phelps, and Mr. Bates, arrived last night.

No. 13.

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, May* 1, 1889.

I APPROVE your having authorized Mr. Beauclerk, as reported in your Excellency's despatch of the 27th ultimo, to act as one of the Secretaries at the Conference on the affairs of Samoa, in accordance with Prince Bismarck's request.

I am, &c.
(Signed) SALISBURY.

No. 14.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(Received May 4.)

My Lord, *Berlin, April 29, 1889.*

WE have the honour to inform your Lordship that the Conference on Samoan affairs met for the first time this afternoon.

After Count Bismarck had made his statement, copy of which is inclosed,* statements were made by Sir E. Malet and Mr. Kasson, which were both of a general nature.

It was then proposed by Count Bismarck that, first of all, the Land question should be dealt with, and that a Sub-Commission should be named, whose duty it should be to draw up a scheme to be submitted to the Conference.

Upon this being agreed to, Mr. Scott, Dr. Krauel, and Mr. Bates were appointed for this purpose.

Count Bismarck announced at the close of the sitting that, as Malietoa had recently submitted to the Emperor of Germany, orders had been sent to the Marshall Islands to release him, and that, consequently, he was now at liberty to go wherever he wished.

The United States' Plenipotentiaries were evidently much satisfied at this statement of Count Bismarck.

It has been decided that the date at which the Conference will again meet is to depend upon the progress made by the Sub-Commission in their work.

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

No. 15.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(Received May 6.)

My Lord, *Berlin, May 4, 1889.*

WE have the honour to transmit to your Lordship herewith two copies of the Protocol of the first sitting of the Conference on Samoan affairs, which was duly signed the Plenipotentiaries of the three Powers represented.

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CBOWE.

Inclosure in No. 15.

Conference held at Berlin on Samoan Affairs.

Première Séance.—Lundi, le 29 Avril, 1889.

LES Gouvernements de l'Allemagne, des États-Unis d'Amérique, et de la Grande-Bretagne, étant convenus de délibérer en commun, dans une même pensée d'intérêt général, sur les affaires des Iles de Samoa, les Plénipotentiaires de ces Gouvernements se sont réunis en Conférence à Berlin le Lundi, 29 Avril, à 2 heures et demie.

Étaient présents :

Pour l'Allemagne—

Son Excellence M. le Comte de Bismarck, Ministre d'État, Secrétaire d'État du Département des Affaires Étrangères ;

M. le Baron de Holstein, Conseiller Intime Actuel de Légation ;

M. le Docteur Krauel, Conseiller Intime de Légation.

* See Inclosure in No. 15.

Pour les États-Unis—
Mr. John A. Kasson, de Iowa;
Mr. William Walter Phelps, de New Jersey;
Mr. George H. Bates, de Delaware.

Pour la Grande-Bretagne—
Son Excellence Sir Edward Baldwin Malet, G.C.B., G.C.M.G., Ambassadeur de la Grande-Bretagne à Berlin;
Mr. Charles Stewart Scott, C.B., Ministre de la Grande-Bretagne près la Confédération Suisse;
Mr. Joseph Archer Crowe, C.B.

Son Excellence le Comte de Bismarck en souhaitant la bienvenue à MM. les Plénipotentiaires dit qu'il considère l'accord qui s'est manifesté entre les trois Gouvernements amis, relativement à la réunion de cette Conférence, comme étant de bon augure pour la réussite de leurs travaux et il propose de constituer la Conférence.

Mr. Kasson se fait l'interprète des sentiments des membres de la réunion en exprimant leurs remercîments au sujet des paroles sympathiques que vient de leur adresser le Comte de Bismarck. Il propose en conséquence que la présidence de la Conférence soit confiée à son Excellence. Cette proposition est accueillie et le *Comte de Bismarck*, après avoir remercié de l'honneur à lui fait, prend la présidence en présentant, avec l'assentiment de MM. les Plénipotentiaires, comme Secrétaires, M. le Docteur Arendt, Consul-Général d'Allemagne en Belgique, et Mr. Beauclerk, Secrétaire à l'Ambassade de Sa Majesté Britannique à Berlin.

Sur la demande du Président, MM. les Plénipotentiaires remettent les pleins pouvoirs dont ils sont munis au bureau de la Conférence. Ensuite, le *Comte de Bismarck* reprend:—

"Afin de faciliter nos travaux, je crois utile que nous tombions d'accord que les propositions et documents destinés à figurer au Protocole soient rédigés d'avance par écrit et lus au commencement de chaque séance;" ce qui est adopté.

En outre, M. le Président exprime le désir que les membres de la réunion veuillent bien prendre l'engagement entre eux, conformément aux usages observés en pareils cas, de garder le secret de leurs délibérations. Cette proposition est adoptée.

Son Excellence demande alors la permission, avant d'entrer en délibération, de donner lecture d'une déclaration ainsi conçue:—

"Les événements dont les Iles de Samoa sont le théâtre, ont pris, pendant ces derniers mois, un aspect qui impose aux Puissances Contractantes le devoir de prendre en considération des mesures aptes à protéger la vie et la propriété des blancs établis en ce pays.

"Guidés par cette conviction, les Gouvernements d'Allemagne, d'Angleterre, et des États-Unis sont convenus de réunir une Conférence à Berlin, afin de se concerter sur les moyens propres à aplanir les difficultés de la situation actuelle et à donner des garanties suffisantes pour l'avenir. Comme devant servir de base aux négociations, le Gouvernement Allemand considère le maintien des Traités existants, la parité de droits des trois Puissances Contractantes, l'indépendance et la neutralité de l'État de Samoa.

"Dans l'opinion du Gouvernement Impérial il ne s'agira point, en cette Conférence, de trouver un Gouvernement convenable pour les indigènes de Samoa, mais d'établir sur une base solide la protection de la vie, de la propriété, et du commerce, dans ce pays, des nationaux des trois Puissances Contractantes, et de procéder vers ce but par une action commune de ces Puissances.

"Les délibérations de la Conférence n'auraient pas besoin de s'étendre à l'arrangement des affaires intérieures de Samoa, qu'en autant que cela paraîtrait nécessaire pour sauvegarder la sécurité de la vie, de la propriété, et du commerce des sujets des trois Puissances.

"Le Gouvernement Impérial croit devoir se borner pour le moment aux indications générales qui précèdent, car avant d'entrer dans le détail des questions qui doivent trouver leur solution, il lui paraît important de connaître d'abord les vues des autres Gouvernements quant à la tâche que la Conférence aurait à remplir et au but vers lequel tendraient ses travaux."

Sir Edward Malet lit alors la déclaration suivante:—

"Le Gouvernement de Sa Majesté Britannique voit avec une légitime satisfaction se rouvrir la Conférence sur les affaires de Samoa, qui, faute d'entente, avait dû se séparer sans aboutir à Washington.

"Il ose espérer que le succès couronnera la reprise à Berlin des travaux de la Conférence.

"Dans l'intervalle qui vient de s'écouler les Gouvernements intéressés ont pu étudie les points de divergence qui se sont présentés, et de cette manière il a été possible de s'arrêter à certains principes généraux, de sorte que les détails seuls resteraient à résoudre.

"Nous acceptons cordialement les bases de négociation mises en avant par son Excellence M. le Comte de Bismarck et, comme lui, nous voulons :—

"Le maintien des Traités existants ;

"L'égalité des droits des trois Puissances Contractantes ;

"L'indépendance et la neutralité des îles de Samoa.

"Sur ces bases les Plénipotentiaires de Sa Majesté Britannique feront tout en leur pouvoir pour arriver à une solution satisfaisante et créer, avec l'aide de leurs collègues, un système d'administration aux îles de Samoa qui pourra leur assurer la paix et les bienfaits d'une traquillité prospère."

Mr. Kasson, en demandant l'autorisation de développer en langue Anglaise les points de vue adoptés par son Gouvernement dans la question qui fait l'objet de la Conférence, donne lecture de la pièce suivante :—

"The Government of the United States received with pleasure the proposition of the German Government to meet the Representatives of Germany and England at Berlin for the resumption of the negotiations begun in the Conference at Washington, which adjourned in July 1887.

"Upon the occasion of this renewal of the Conference, the President has instructed us to give the most earnest assurance of his desire for a speedy and amicable solution of the questions relating to Samoa upon the principles accepted at its earlier meeting.

"The American Government accepts and reciprocates the assurances communicated by His Highness Prince Bismarck, through the German Minister at Washington in February last, of satisfaction with the neutrality of the islands, and of the absence of any intention to put in question the independence of Samoa, or the equal rights of the Treaty Powers

"The President also shares the common desire of the Powers to apply these principles to protect the islands against a repetition of bloody wars, and to secure all the just interests of foreigners engaged there in lawful business.

"These views being entertained in common by the Powers interested, we may confidently hope for an early and satisfactory result of the deliberations of the Conference.

"So far as the *status quo* existing before the violent disturbances which have occurred since the adjournment of the Conference at Washington can be restored, the Government of the United States earnestly desires it, as the initiation of permanent peace and order among the natives.

"To the consideration of the preceding questions, and of all others presented, the American Representatives are instructed, and sincerely desire, to contribute their best efforts in the spirit of amity and concord."

Count Bismarck having understood that Mr. Kasson had suggested that the business of the Conference should be conducted in the English language agreed that the subsequent discussions be held in English, reserving the right to resume the French language if circumstances should render it necessary for the German Plenipotentiaries to do so.

Mr. Kasson thanked Count Bismarck, and moved that the Protocols should be drawn up in English, as a language well understood by all the Plenipotentiaries, although he was aware that it was customary to hold the discussions of Conferences in French.

Count Bismarck accepted Mr. Kasson's suggestion, and said that as the French language was customary in international negotiations, Consul-General Arendt had been selected as Secretary to the Conference on account of his thorough acquaintance with the French tongue.

He would, however, substitute Legationsrath W. Steinrich as Secretary in the place of Dr. Arendt as long as the English language should be used in the Conference.

His Excellency then read the following statement :—

"We have recently received an official Report from the Commander of the man-of-war 'Olga' to the effect that Malietoa, the former Samoan King, has expressed his regret and the earnest wish to be reconciled with the German Government. His Majesty the Emperor, after having taken cognizance of this Report, has ordered his release. Consequently, Malietoa is at liberty to go wherever he pleases."

Mr. Kasson expressed the great satisfaction with which he and his colleagues had listened to the statement of the President, and expressed the pleasure with which their Government would receive this announcement of his Excellency, as well as their conviction that the action of His Imperial Majesty the Emperor of Germany in this

regard would tend towards the restoration of good feeling and the promotion and maintenance of peace.

Sir Edward Malet expressed equal pleasure and satisfaction on hearing of the gracious act of His Majesty the Emperor.

The President proposed that no general debate should take place at the present meeting of the Conference; but that a Sub-Committee of three Representatives—one for each Power—should be nominated to draw up a programme of deliberations, and to study the details of matters to be considered by the plenary Conference.

Mr. Kasson and *Sir E. Malet* considered the plan suggested by the President as very desirable, especially as the members of the Conference appeared to be unanimous with regard to all the principles submitted to them.

Count Bismarck proposed that the Land question should be the first to be submitted to the Sub-Committee, as being perhaps the most important of all the questions to be dealt with by the Conference.

The proposal of the President was accepted unanimously.

The Sub-Committee was elected, consisting of Dr. Krauel, Mr. Bates, and Mr. Scott; and it was agreed that all other members of the Conference should be at liberty to attend their discussions.

The meeting was adjourned at 4 P.M., and it was agreed that the President would issue invitations to the Plenipotentiaries for the next meeting of the plenary Conference.

(Translation.)

First Meeting.—Monday, April 29, 1889.

THE Governments of Germany, the United States of America, and Great Britain having agreed to deliberate together, with the same view to the general interest on the affairs of the Samoan Islands, the Plenipotentiaries of these Governments met in Conference at Berlin on Monday, the 29th April, at half-past 2 o'clock.

Present:

For Germany—
His Excellency Count Bismarck, Minister of State, Secretary of State of the Department for Foreign Affairs;
Baron de Holstein, Real Privy Councillor of Legation;
Dr. Krauel, Privy Councillor of Legation.

For the United States—
Mr. John A. Kasson, of Iowa;
Mr. William Walter Phelps, of New Jersey;
Mr. George H. Bates, of Delaware.

For Great Britain—
His Excellency Sir Edward Baldwin Malet, G.C.B., G.C.M.G., British Ambassador at Berlin;
Mr. Charles Stewart Scott, C.B., British Minister at Berne;
Mr. Joseph Archer Crowe, C.B.

His Excellency Count Bismarck, in bidding the Plenipotentiaries welcome, hails the common accord shown by the three friendly Governments, in regard to the meeting of this Conference, as a good omen for the success of their labours, and proposes to constitute the Conference.

Mr. Kasson begs to interpret the wishes of the members assembled in expressing their thanks for the sympathetic words addressed to them by Count Bismarck. He proposes that the presidency of the Conference be confided to his Excellency. This proposal is accepted, and *Count Bismarck*, after expressing his thanks for the honour conferred upon him, takes the chair, and, with the assent of the Plenipotentiaries, designates as Secretaries Dr. Arendt, German Consul-General in Belgium, and Mr. Beauclerk, Secretary of the British Embassy at Berlin.

At the request of the President, the Plenipotentiaries lay on the table of the Conference the full powers with which they are furnished. After which, *Count Bismarck*, resuming, says:—

"In order to facilitate our work, I would suggest that the proposals and documents,

which are to appear in the Protocols, be put down in writing, in advance, and read at the commencement of each meeting." This proposal is adopted.

The President, moreover, expresses the wish that the Plenipotentiaries will undertake, in accordance with the customary usages on similar occasions, to preserve secrecy on their deliberations. This proposal is adopted.

He then begs leave, before opening the discussion, to read a declaration, of which the following is the text:—

"The events which have taken place in the Samoan Islands have, during the last months, assumed an aspect which imposes on the Contracting Powers the duty to consider such measures as will protect the lives and property of the white inhabitants of the country.

"Guided by this conviction, the Governments of Germany, England, and the United States have agreed to meet in Conference at Berlin, in order to concert the necessary measures for overcoming the difficulties of the present situation, and affording sufficient guarantees for the future. The German Government regard as the bases of negotiations the maintenance of existing Treaties, equality of rights on the part of the three Contracting Powers, and the independence and neutrality of the State of Samoa.

"In the opinion of the Imperial Government, this Conference will not have to find a Government suitable for the natives of Samoa, but to establish on a solid foundation the protection of the lives, property, and trade in that country of the subjects of the three Contracting Powers, and to proceed to this end by concerted action on the part of these Powers.

"The deliberations of the Conference need extend to the arrangement of the internal affairs of Samoa only in so far as it may be found necessary for guaranteeing the safety of life, property, and trade of the subjects of the three Powers.

"The Imperial Government confines itself for the moment to the above general indications. For before entering on the details of the questions to be solved, it deems it important to ascertain in the first instance the views of the other Governments as regards the work to be accomplished by the Conference and the final object of its labours."

Sir Edward Malet reads the following declaration:—

"Her Britannic Majesty's Government looks with much satisfaction upon the reopening of the Conference on the affairs of Samoa, which, failing a common agreement, had to separate without result at Washington.

"He hopes that success will crown the resumption at Berlin of the labours of the Conference.

"In the interval of time, the Governments interested have been able to examine those points on which there was a divergence of opinion, and in this way it has been possible to establish certain general principles, leaving only the details to be settled.

"We accept cordially the bases of negotiation put forward by his Excellency Count Bismarck, and, in accord with him, we desire:—

"The maintenance of existing Treaties;

"Equality of rights for the three Contracting Powers;

"The independence and neutrality of the Samoan Islands.

"On these bases the British Plenipotentiaries will do all in their power to arrive at a satisfactory solution, and to devise for the Samoan Islands, with the help of their colleagues, an administrative system which will assure peace and the benefits of prosperous tranquillity."

Mr. Kasson asks for permission to explain in English the views of his Government on the question which constitutes the final object of the Conference. He reads the following declaration:—

[For remainder of Protocol, see pp. 10 and 11.]

No. 16.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(Received May 6.)

My Lord, *Berlin, May 4, 1889.*

WE have the honour to transmit to your Lordship herewith a Memorandum by Mr. Scott, explaining the reasons which guided the Sub-Committee in drawing up its Report on the Land question presented to the Conference to-day.*

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

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* For the Report on the Land question, see Protocol of Second Session, Inclosure in No. 21, p. 17.

Inclosure in No. 16.

Memorandum by Mr. Scott, explaining the Reasons which guided the Sub-Committee in drawing up their Report on the Land Question.

THE subject referred for the consideration of the Sub-Committee was defined in general terms as "the Land Question in Samoa." The Committee understood from this that their chief duty would be to devise for the consideration and decision of the Conference some practical scheme for the authoritative determination, in accordance with international agreement, of the conflicting land titles urged by members of the different nationalities concerned.

It appeared to be the unanimous opinion of the three Powers represented in Conference that for this end it was very desirable that a Tribunal, strong and important enough to be able to arrive at a satisfactory determination of claims to Samoan land urged either by the natives or by subjects of any of the three Powers, should be erected, and the necessity of doing so under the sanction of a Treaty to which the three Powers and the Samoan Government should all be parties was evident after an examination of the Articles in the existing Treaties with Samoa which have any bearing on the treatment of disputed claims, or on the privileges accorded by the most-favoured-nation clauses contained in all three Treaties.

This will explain the agreement of the Sub-Committee with regard to the first recommendation contained in its Report.

The object of the second recommendation, namely, that the Samoan Government should be induced to engage by Treaty to prohibit for the future all absolute enatioalin to foreigners of the land of natives, and to place their right to lease under the contract of a responsible authority, was to protect the natives against the dangers to which they have been hitherto exposed of being deprived of their only means of existence, and to avert the necessity of future International Land Claims Commissions at the expense of the three Powers.

It was the opinion of the Committee that the leasing powers left to the natives under proper and equitable control would be sufficient to insure that this prohibition would not interfere with any enterprises for the development or benefit of the resources of the islands.

The proposals for the investigation and final adjustment of land claims, which the Committee, after careful examination and discussion, have agreed to recommend to the consideration of the Conference, are, in its opinion, provisions suitable for the purpose which the three Powers have at heart.

The scheme of a Preliminary Investigating Commission, combined with a Permanent Court of Adjudication and Registration of Land Claims, appears to it to supply the main requirements of the three proposals made at the Conference of Washington.

The Preliminary International Commission as proposed by the Committee will have the power to dispose of manifestly valid claims, and to effect amicable compromises between litigants; to the Permanent Court which will represent the territorial authority will be left the right of final decision on appeal, and on all disputed claims, and from it will issue orders for the recognition and registration of land title.

As the Preliminary Commission is to be instituted mainly for the benefit of the subjects and citizens of the three Powers, it seemed only fair and proper that its first expenses should be borne by the three Powers in common, and that these should be fixed and raised beforehand, in order to be able to offer salaries suitable to the class of persons from which the Committee think it indispensable that the Powers should select their respective Commissioners.

The salary of the Permanent Land Judge and the expenses of his Court on the other hand should be considered to form a charge on the Samoan Budget, in so far as they are not covered by the proceeds of registration fees, &c. The provision for the appointment of this official by the Samoan Government was held by the Committee to be in conformity with the theoretical recognition of Samoan autonomy and independence, while his selection and nomination by the three Treaty Powers, on the understanding that the choice will fall on some person commanding their unanimous confidence, was regarded as offering sufficient security that foreign interests would receive impartial and equal treatment. The provision which assigns, on application, assessors of the nationality of the litigants to the Judge's Court, was added as an additional security in this respect.

It may here be observed that the Sub-Committee were unanimous in the opinion that the machinery which they were suggesting for the consideration of the Conference mainly depended for its success on the choice which the three Governments should eventually make of their Commissioners, and especially of the Judge.

A strong inclination was evinced by my colleagues for the selection of an English or Canadian Equity Judge of established reputation.

The idea of a Judge of neutral nationality, such as a Dutchman, Dane, or Swede, was also favourably received, but it was considered desirable that he should be well versed in the English language, and in principles of equity.

The suggestion that such a Judge might eventually be utilized in the Samoan Administration was made with the approval of all the members of the Committee, as further justifying the recommendation that his salary should form a charge on the Samoan revenue.

With regard to the rules suggested in Committee for the guidance of the Preliminary Commission, I had little hesitation in agreeing with the proposals of my German and American colleagues, as a reference to pp. 28-33 of the Parliamentary Paper C.—3584, entitled, "Land Claims in Fiji," 1883, satisfied me that, taking the difference of local circumstances into due consideration, they were in general conformity with the principles and rules which guided Mr. Williamson and the other Commissioners in the adjustment of land claims and titles in that British Colony.

I would beg especially to invite references to sections 2, 3, 21, 22, 45, and 46 of Mr. Williamson's Report.

The position and duties which were assigned to Mr. Hefferman (see pp. 33 and 34 of the same Blue Book) are similar to those which we desire to see undertaken by the native's Advocate mentioned in our Report?

(Signed) CHARLES S. SCOTT.

Berlin, May 4, 1889.

No. 17.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(Received May 7.)

(Telegraphic.) *Berlin, May* 7, 1889.

HAVE we authority to summon Mr. Powell from Stettin in the event of our wishing to avail ourselves of his local knowledge?

No. 18.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.—
(Substance telegraphed.)

Gentlemen, *Foreign Office, May* 8, 1889.

IN reply to your telegram of the 7th instant, I have to state to you that I authorize your sending for Mr. Powell should you have need of his services in connection with the work of the Samoan Conference.

I am, &c.
(Signed) SALISBURY.

No. 19.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(Received May 13.)

My Lord, *Berlin, May* 10, 1889.

WE have the honour to transmit to your Lordship herewith a Memorandum drawn up by Mr. Crowe of the proceedings of the Sub-Committee with respect to the prohibition of the sale and importation of arms, ammunition, and spirituous liquors in Samoa, and to a scheme for raising revenue in the Samoan Islands.

We have, &c.
(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

Inclosure in No. 19.

Memorandum by Mr. J. A. Crowe.

AS to proceedings of the Sub-Committee when drafting a Report on the prohibition of the sale and importation of arms and ammunition and spirituous liquors in Samoa, and a scheme for raising revenue in the Samoan Islands.

The Sub-Committee met on the 6th, 7th, and 8th of May, attended, in addition to the original members, by Mr. Phelps and Mr. Crowe.

The Sub-Committee took into consideration the proposals put forward by Count Bismarck in the second sitting of the Conference as to the necessity of prohibiting the sale and importation of arms, ammunition, and spirituous liquors for the benefit of Samoans.

It was agreed on all hands that the exclusion of arms and ammunition was necessary. But some divergence of opinion was manifested as to the means of carrying out the required measures. Mr. Phelps thought that the safest way would be to invite the Samoan Government to pass a law preventing the importation and sale of arms and ammunition.

Mr. Bates thought there would be no objection to provide for such a prohibition by Treaty; and Dr. Krauel suggested that any infringement could be punished by the *lex loci*, or under the Consular jurisdictions.

As regards importation for Europeans and sporting purposes, special Regulations might be made.

To the observation of Mr. Bates, that the natives could not, in case of need, be left entirely defenceless, unless we should at the same time secure them from foreign aggression, it was observed that the natives might be considered to be already sufficiently armed, and it was desirable under all circumstances to exclude arms and ammunition, as had been done on the East and West Coast of Africa.

It was agreed in the words of Mr. Phelps, that the prohibition of the importation and sale of arms and ammunition should be absolutely upheld, except in the case of arms imported for sporting purposes, or for national defence under special licence, or other proper restrictions.

As regards spirituous liquors, the Sub-Committee were of but one opinion as to the necessity for prohibition to Samoans or other Pacific Islanders. Under municipal regulations actually in force, the sale of intoxicating liquors by retail was forbidden to unlicensed persons in Apia, and the breach of this regulation was punishable by fines. A new municipal organization would be required to keep the prohibition in force.

We recommended that it should be for the Samoan Government, when such a Government was provided, to establish regulations as to the sale of intoxicating liquors, and the Treaty Powers might agree or provide by Treaty to take the necessary steps to secure the object in view, either by Consular jurisdiction, or by such means as might be binding upon the subjects of the several States concerned.

The Sub-Committee then proceeded to discuss the point, whether it would be advisable to enter at once upon the question of a strong Government for Samoa, or wait till it could be determined what resources the islands could dispose of. Considering that it was desirable first to settle as far as possible the question of revenue available for the purposes of Government, it was decided that that question should be first discussed.

To a remark made at the outset, that the IIIrd Article of the Treaty of the 17th January, 1878, between the United States and Samoa, would bar the levying of import or export dues in the ports of the islands, it was stated that the United States' Government was so desirous to aid the Samoan Government to a fit revenue, that it might be assumed that it would offer no opposition to waiving these rights.

Dr. Krauel submitted to the Sub-Committee the Tariffs of Fiji and Tonga, as giving some clue to the requirements of a regular revenue system in places not very different from Samoa.

Comparing the items of Custom revenue in force in Tonga and Fiji with those proposed for Samoa by the German Representatives at the Washington Conference, we found that the latter were lower in many respects than the former, and, after some consideration of each item as it came up, we ventured to propose the following estimates.

[For these estimates, *vide* Inclosure 2 in 22.]

It is to be observed that the import duties in the foregoing lists are very much lower than any levied in Fiji in all articles except ale and porter, much lower than any levied

under the Tariff of Hawaii, the general duty on goods imported into these islands being 15 per cent. *ad valorem*, as against 1 per cent. proposed for the statistical duty in Samoa. It was, indeed, urged by Mr. Phelps that the general statistical duty could scarcely be called a duty at all, as it was used more for purposes of account than revenue; but stress, on the other hand, was laid by Dr. Krauel and myself on the fact that Samoa had hitherto been free from import duties of any kind, and it was to be feared if they were raised to a high rate, that smuggling would be dangerously encouraged.

As regards export dues, I pointed out that, although undesirable in themselves, they had been found necessary in many places, and they were lower here than in many Settlements on the East and West Coast of Africa.

The capitation-tax of 1 dollar a-head in Samoa was not considered by any of the Sub-Committee to be excessive, and Dr. Krauel pointed out that it was much higher in the Touga group, where the capitation revenue from 20,000 souls amounted yearly to 60,000 dollars.

It was thought to be desirable to suspend a final decision as to the taxation of boats and sporting fire-arms in the absence of correct information as to the exact value of the things to be taxed.

A suggestion made by Mr. Bates, that the tax on land used for commercial purposes should be extended to agricultural holdings, was left to the decision of the whole Conference.

Some doubts were also expressed as to whether the rates of duty and taxation on labourers might not appear excessive, and this also was considered a proper subject for the consideration of the whole Conference.

The duty on ships calling at Apia for trading purposes has been kept at the rate customary up to the present time.

The slight increase foreseen in the estimate submitted by the German Government to the Conference at Washington would thus be eliminated, as it would be dependent on a large advance on the rate of 10 dollars now charged.

On the whole, it will be seen that the revenue from all sources, which has been estimated in the trial budget above alluded to, may reach the assumed amount of 90,000 dollars.

There is, unfortunately, no means of ascertaining exactly the yield of the various taxes or duties.

(Signed) J. A. CROWE.

Berlin, May 10, 1889.

No. 20.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received May* 13.)

My Lord, *Berlin, May* 11, 1889.

WE have the honour to inform your Lordship that, acting under the authority conferred upon us by your Lordship's despatch of the 8th instant, Sir Edward Malet requested Mr. Consul Powell to come to Berlin, and that that gentleman arrived here last night.

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

No. 21.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 13.)

My Lord, *Berlin, May* 11, 1889.

WITH reference to my despatch of the 4th instant, I have the honour to transmit to your Lordship herewith six copies of the Protocol of the second sitting of the Conference on Samoan affairs, which was duly signed this day by all the Plenipotentiaries of the three Powers represented.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 21.

Conference on Samoan Affairs.

Second Session.—Saturday, May 4, 1889, 3·45 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the first meeting, held on Monday, the 29th April, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck presented the Report on the Land question, drawn up by the Sub-Committee, and invited discussion thereupon.

It was agreed that the recommendations, submitted by the Sub-Committee to the Plenipotentiaries, should be taken by them *ad referendum* for the approval of their respective Governments.

Count Bismarck supposed that it would be requisite to propose a Supplementary Treaty or Convention with the Samoan Government, invalidating all previous Acts contrary to the provisions contained in such new Treaty or Convention.

Mr. Kasson agreed that the consent of the Samoan Government to a new Convention would be necessary, and suggested that the discussion as to the form of the proposal in question should be reserved for a later meeting of the Conference.

The proposal of Mr. Kasson was unanimously accepted.

Count Bismarck requested Mr. Bates to read *seriatim* the conclusions arrived at by the Sub-Committee in their above-mentioned Report, and that gentleman proceeded to do so as follows:—

"1. A suggestion as to the necessity of a strict prohibition in the future of all sales of land by natives to foreigners similar to that already in force in Tonga and Hawaii, and—with certain limitations—also in Fiji and other Polynesian Islands. The Committee were all strongly inclined to recommend prohibition of the absolute alienation of land to foreigners either by sale or mortgage, but that the land might be leased by the natives with the approval of the Executive Department of the Samoan Government and the Land Court."

Mr. Scott explained, at the request of Mr. Bates, his hesitation upon this point in the Sub-Committee. He had with Mr. Bates doubted whether a Resolution by the Conference to enforce such a prohibition were in strict conformity with one of the bases laid down by the President, namely, the recognition of the independence of the Samoan Government, and also whether an unconditional prohibition to sell lands to foreigners might not interfere with legitimate enterprises to develop Samoan resources.

Mr. Scott added that, on its being explained to him that the prohibition would be enforced by the Samoan Government as party to the contemplated Treaty, and that the power of leasing left to the natives would give every necessary facility to foreign enterprise, he had finally concurred in recommending the foregoing suggestion to the consideration of the Conference.

A discussion took place concerning the question of sales or leases, in which it was pointed out that leases for very long periods of time were almost identical in effect with actual sales.

Mr. Kasson suggested that the period of leases might be limited to a term of years not exceeding the lifetime of one generation; and that the words "for years" should be inserted in the Resolution after the words "land might be leased."

The Resolution was adopted in principle, and it was agreed, upon the suggestion of the President, that the details of the question should be considered later.

Dr. Krauel remarked that he considered the same principles to be necessary in Samoa as obtained in Tonga and Fiji, namely, to protect the natives from bartering away their land; and that the only means of doing so was by absolute prohibition.

Mr. Bates observed that if a great Company were to lease a large tract of land they would require the protection of a long lease, which they might obtain with the approval of the Land Court. He was of opinion that no such Company would risk the expenditure of considerable sums of money on a short lease without the guarantee of a renewal of their lease, or of compensation for improvements in case of its termination.

Mr. Phelps said that the renewal of leases constituted a very unsatisfactory title. It was desirable that improvements should be encouraged in Samoa, and he would suggest that "no sale to foreigners should be permitted except with the approval of the Land Court and of the Samoan Government."

Baron Holstein considered that leases for a limited period were the best protection for the natives against themselves.

Sir E. Malet asked whether the Land Court itself would not afford sufficient guarantees for the purposes required.

Mr. Bates remarked that the revision, even after a long term of years, had always a distinct value.

Count Bismarck suggested that the period of ninety-nine years would be a fair and equitable term for leases, neither too much nor too little.

Mr. Kasson said that, as speculators were to be found in all countries, there was a danger lest unprincipled persons should take, if authorized, large tracts of land in Samoa, and dispose of them at a profit, leaving the property to take care of itself. In this manner much of the valuable fruit-growing land might be taken from the control of the natives, who would thus be deprived of their very means of subsistence. He was of opinion that it would never do to grant leases of indefinite duration, and he considered that some rules must be framed for the guidance of the Judge in this particular.

Sir E. Malet did not think that a Company would be satisfied with a lease of so short a period as forty-five years without further guarantees.

Dr. Krauel concurred in recommending absolute prohibition of sales of land to foreigners.

Mr. Phelps remarked that if such sales were to be absolutely prohibited, a Company or a merchant might be debarred from the possibility of buying a site suitable as a dock, wharf, or warehouse, merely because it happened to be the property of a native.

Mr. Kasson suggested that some limitation of vicinity to the commercial port might be arranged to meet the difficulty set forth by the previous speaker.

Count Bismarck pointed out that the question of the duration of leases was not very important at the present moment. The whole arrangements for the Samoan Islands which this Conference should endeavour to draw up would, as he understood, from the confidential exchange of views between the Delegates, be limited to a period of three or five years, in order to put them to the test. After the end of this period, the Treaty Powers would have to consider the said arrangements. The Land Commission and the Land Court would have work before them for several years, and he did not think that large enterprises of Companies would be started before the important Land question was settled.

Mr. Bates agreed with the remarks of his Excellency the President, since, when the islands had regained tranquillity, a stable Constitution would be framed, and such matters would naturally be arranged on a proper footing.

Mr. Kasson proposed that the Conference should accept the principle that it is necessary to restrain the disposal of land to foreigners in Samoa.

This proposal was unanimously accepted.

Mr. Bates then read the second suggestion of the Sub-Committee :—

"2. That a Commission consisting of three members be appointed, and paid a uniform compensation by the three Treaty Powers respectively, to investigate and report for the decision of the Land Court all claims to land in Samoa between foreigners, and also between foreigners and natives, and that this Commission should be empowered to receive and obtain evidence as to all the circumstances under which the alleged titles had in each case been acquired. Among the points to be investigated shall be—

"(*a.*) Whether the sale was made by the rightful owner or native entitled to make it.

"(*b.*) Whether it was upon a sufficient consideration.

"(*c.*) The identification of the land sold.

"It should be one of the duties of the Commission to endeavour to effect just and equitable compromises between litigants, and to make recommendations to the Land Court about granting or refusing the recognition and registration of titles."

This suggestion was adopted unanimously.

Mr. Bates then read

"3. While desiring a representation of the native interests, the Committee did not deem it practicable to have a native Representative in the Commission, but decided to recommend the appointment, by the Samoan Government, with the approval of the Land Commission, of an assistant native Commissioner or natives' advocate."

Dr. Krauel gave precedents for the course proposed from the arrangements made in Fiji, and suggested that perhaps a suitable "natives'" advocate could be found in the person of a foreign resident missionary.

Mr. Bates seconded Dr. Krauel's suggestion, and gave it as his experience that the missionaries were very suitable persons for such an office.

"4. It is unanimously considered proper that the expenses of this Land Commission should be paid equally by the three Governments."

The proposal was adopted.

"5. That a Land Court be established, to consist of one Judge learned in the law, to be appointed by the Samoan Government upon the nomination of the three Treaty Powers, his decision to be final in all land cases. That the Judge should be empowered at his own discretion, and obliged, on application of either party to a suit, to appoint for each party an assessor of the nationality of each party to aid the Judge, but to have no vote in the decision.

"That all disputed claims should be reported by the Commission to the Court for final decision, and that undisputed claims, or such as were determined by the unanimous vote of the Commission, should be confirmed by the Court without re-examination."

At this point the *President* proposed that the Conference should elect a Committee to arrange all suggestions laid before them, with a view to drawing up in due order and form the final Resolutions agreed upon in principle by the plenary Conference; this Committee to be called the "Committee of Revision."

This proposal was accepted, and Baron von Holstein, Mr. Kasson, and Sir E. Malet were named to serve as the members of the said Committee.

The above Resolution (No. 5) was accepted, to be referred with all others to the newly-formed Committee of Revision.

Count Bismarck initiated a discussion as to the payment of the above-mentioned Judge, which his Excellency suggested ought to fall upon the Samoan Government.

Mr. Kasson suggested that the Judge might, at the outset of his appointment, be paid by the three Powers, or that his salary might at least be guaranteed by them.

Sir E. Malet remarked that the question of whether the Judge should be removable ought to be considered, or whether he could be removed from office only with the consent of the three Powers.

It was agreed that the questions of the salary and tenure of office of the Judge should be reserved for further consideration.

The following suggestions were next read by *Mr. Bates*, and referred to the Committee of Revision, as amended:—

"6. All deeds and other muniments of title, mortgages, or claims of liens, or interests in lands claimed by foreigners, must be produced before the Land Commission within a specified time not exceeding six months, during which all foreigners being in possession of, or claiming any estate or interest in lands, must send in an application to the Commission in form as prescribed by them, with a view to the recognition and equitable adjustment of such claims, and the registration of such titles. Due advertisement shall be made in the English, German, and Samoan languages, as directed by the Commission.

"7. All lands acquired before the 28th August, 1879 (the date of the Anglo-Samoan Treaty), must be held as validly acquired, if purchased from Samoans in a customary and regular manner, without prejudice to claims or rights of third persons, and any dispute as to the fact or regularity of such purchase shall be determined by the Commission, subject to the power of confirmation hereinbefore vested in the Land Court. In such cases a deed valid on its face shall be held *primâ facie* evidence of the title.

"8. The undisputed possession and continuous cultivation of lands for ten years or upwards shall constitute a valid title by prescription thereto, and an order for the registration of the same may be made.

"9. Where lands have been improved or cultivated upon a title which proves to be faulty, the title may be confirmed upon the payment by the occupant to such person or

persons as the Commission may find entitled to the same of an additional sum to be determined upon principles of equity and justice."

Mr. Kasson suggested that this Resolution should terminate with the words "by the Commission."

"10. Recognition and registration shall be refused in the following cases:—

"(*a.*) Claims based upon mere promises to sell (or options).

"(*b.*) When the deed or mortgage contains no description of the land purporting to be sold or mortgaged sufficiently accurate to enable the Commission to define the boundaries thereof.

"(*c.*) If no consideration is expressed in the deed or mortgage, or if being named, the consideration has not been paid in full to the seller.

"(*d.*) Conveyances or mortgages of land made since the 1st January, 1880, upon an actual consideration of the sale of fire-arms or munitions of war, or of intoxicating liquors, in violation of the Samoan Law of the 25th October, 1880, or of the Municipal Regulations of the 1st January, 1880.

"11. The Commission may, at any time, at its discretion, through the Local Government of the district in which the disputed land lies, institute a native Commission to determine the seller's right of ownership, and to lay the result of such investigation, together with the surrounding circumstances, before the Land Commission."

Mr. Kasson was of opinion that it would be the duty of the Land Commission to lay this Report also before the Judge.

Mr. Bates understood that the Commission would be expected to send the whole record to the Land Court, and that the registry of the Land Court would constitute a registry of land titles.

Count Bismarck then laid before the Conference the following propositions, which were referred to the first Sub-Committee:—

"*Proposition* 1.

"We propose that the Conference may devise means by which the interests of the foreign residents in the Samoan Islands can be protected.

"*Proposition* 2.

"The Treaty Powers agree to take steps to prevent the importation and sale of arms and munitions of war, as well as the sale and gift of intoxicating liquors to natives of Samoa."

Sir E. Malet expressed the wish that, when Sub-Committees should be appointed dealing with commercial and financial matters, the services of Mr. Crowe should be made use of by the Conference.

Mr. Kasson supposed that the existing Consular jurisdiction over foreigners, as provided by Treaty, would be continued at least in what concerns alone the co-nationalists of the Consul, and he called attention to the fact that any provisions which the three Powers should now agree upon affecting the rights of proper Samoan jurisdiction would require the consent of the Samoan Government.

The Conference adjourned at 5·15 P.M.

No. 22.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received May* 13.)

My Lord, *Berlin, May* 11, 1889.

WE have the honour to transmit herewith to your Lordship Reports Nos. 2, 3, and 4, which were laid before the Conference to-day by the Sub-Committee. They deal with the following subjects:—

No. 2. The importations and sale of arms, munitions of war, and intoxicating liquors.

No. 3. Revenue and taxation.

No. 4. The special administration of the town and district of Apia.

The recommendations made in these Reports were generally accepted by the Conference. The Committee of "Revision" was charged with embodying in their work the few slight modifications which were agreed to.

In the fourth paragraph of Report No. 2 it was decided to substitute the words "for the use of the Government for special purposes" for the words "national defence."

Report No. 3 (Import duties). It was decided to suppress the words from "except that" inclusive to the end of the paragraph, and in connection with this suppression to provide that Government stores of the three Powers might be landed without payment of the 1 per cent. statistical tax.

The duty on arms was raised 4 dollars.

Report No. 4 was discussed, but it was felt that the scheme must remain immature until the form of the Government of Samoa is decided upon.

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

Inclosure 1 in No. 22.

Report on the Importation and Sale of Arms, Munitions of War, and Intoxicating Liquors.

THE Sub-Committee, comprising Dr. Krauel, Mr. Bates, and Mr. Scott, which on this occasion was also attended, as provided by the full Conference, by Mr. Phelps and Mr. Crowe, took into its consideration the prohibition of the importation and sale of arms and ammunition in Samoa, and also the prohibition of the sale to Samoans and other Pacific Islanders of spirituous liquors.

As regards the first of these points, certain alternatives were discussed.

The Samoan Government might be invited to pass a law preventing the importation and sale of arms and ammunition, or the same purpose might be attained by Treaty. Importation for the use of Europeans and sportsmen might be regulated by special arrangements, and infringements might be punished by the *lex loci*, or under Consular jurisdiction.

The Sub-Committee agreed that it was desirable under all circumstances to exclude all arms and ammunition from Samoa, and that the prohibition should be rigidly upheld, except in the case of arms and ammunition imported for sporting purposes, or for national defence under special licence or other proper restrictions.

The Sub-Committee acknowledged the absolute necessity of prohibiting the sale of intoxicating liquors to Samoans or other Pacific Islanders. Under municipal regulations which had already been applied, the retailing of such liquors was already forbidden to unlicensed persons in Apia; and the breach of this regulation was punishable by fines. A new municipal organization would have to keep this prohibition in force. The Sub-Committee recommends that it should be left to the Samoan Government, when such a Government has been provided, to establish Regulations for controlling the sale of intoxicating liquors; and the Treaty Powers might agree or arrange by Treaty to take the necessary steps to secure this object either under the Consular jurisdictions, or by such means as may be considered binding on the subjects of the several States concerned.

(Signed) GEO. H. BATES.
CHARLES S. SCOTT.
R. KRAUEL.

Inclosure 2 in No. 22.

Report on Revenue and Taxation.

AS regards revenue the Sub-Committee, in conjunction with Mr. Crowe and Mr. Phelps, thought that it was desirable, before anything else was done, to settle the question of the income available for the purposes of government, and for this purpose they drafted an estimate of the dues and taxes which might be levied in Samoa as hereafter follows.—

To a remark made at the outset, that Article III of the Treaty of the 17th January, 1878, between the United States and Samoa, barred the levying of import or export dues in the ports of the islands, it was stated that the United States' Government were so desirous to aid the Samoan Government to raise a sufficient revenue, that it might be assumed that it would offer no opposition to waiving these rights.

This much being premised, the following is a Schedule of duties and taxes as finally drafted by the Sub-Committee :—

I.—Import Duties.

One port of entry, which shall be Apia, to be allowed for the islands, except that additional ports of entry for general use shall be established, one for each of the three Treaty Powers, upon the request of and at the point named by each Power.

Duties.

	Dol. c.
1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	0 75
4. On sparkling wines, per gallon	1 00
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On arms, a-piece	2 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, excepting the foregoing, *ad valorem*	1 per cent.

II.—Export Duties.

On copra, *ad valorem*	2½ per cent.
On cotton, „	1½ „
On coffee, „	2 „

III.—Taxes.

1. Capitation tax on Samoans and other Pacific Islanders, not included under No. 2, per head per annum	1 00
2. Capitation tax on coloured plantation labourers other than Samoans, per labourer	2 00
3. On boats (trading and others), excluding native canoes, each	4 00
4. On fire-arms, each	2 00
5. On houses and on land used for commercial purposes, *ad valorem*	1 per cent.
6. For registry of deeds of sale, in proportion to selling price	½ „
7. For stamp tax on transfers of property, in proportion to selling price	1 „
8. Trader tax.	Per annum.
Class I—	
Stores of which the monthly sales are above 2,000 dollars, each store	Dol. c. 100 00
Class II—	
Below 2,000 dollars and above 1,000 dollars	48 00
Class III—	
Below 1,000 dollars and above 500 dollars	36 00
Class IV—	
Below 500 dollars and above 250 dollars	24 00
Class V—	
Below 250 dollars	12 00
9. Trading ships	10 00

IV.—Licences.

	Dollars.
Tavern	10 to 12 a-month.
	Dol. c.
Attorney, barrister, solicitor	60 00 a-year.
Doctor of medicine or dentistry	30 00 „
Auctioneer or commission agent	24 00 „
Baker	12 00 „
Banks or companies for banking	60 00 „
Barber	6 00 „
Blacksmiths	5 00 „
Boat-builders	6 00 „
Butcher	12 00 „
Cargo-boat or lighter	6 00 „
Carpenter	6 00 „
Photographers or artists unemployed	12 00 „
Engineers	12 00 „
„ assistants	6 00 „
„ apprentices	3 00 „
Hawkers	1 00 „
Pilots	24 00 „
Printing press	12 00 „
Sailmaker (not employed)	6 00 „
Ship-builder	6 00 „
Shoemaker	6 00 „
Land surveyor	6 00 „

	Dol. c.	
Tailor	6 00	a-year.
Waterman (not employed)	6 00	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month ..	3 00	„
„ „ „ paid over 75 dollars a-month	6 00	„
Unlicensed butchers in Apia	1 per cent. on sales.	
	Dol. c.	
White labourers and domestics, per head	5 00	a-year.
Factory hands and independent workmen	5 00	„

V.—Pilot Dues.

Per foot draft	1 00

VI.—Quarantine Dues.

On vessels of 50 tons	0 50
„ 50 to 100 tons	1 00
„ over 100 tons	1 00

And for every further 100 tons or fraction thereof, 1 dollar extra.

VII.—Judicial Fees.

VIII.—Fines.

IX.—Postal Receipts.

It was pointed out in reference to these duties and taxes that they are much lower than any charged in Fiji; and, on all articles except ale and porter, much lower than those levied under the Tariff of Hawaii; the general duty on goods imported into the latter islands being at the rate of 15 per cent. *ad valorem*.

It was urged indeed that the general statistical charge of 1 per cent. could scarcely be called a duty at all, because it was to be used for purposes of account rather than for purposes of revenue. But stress was laid, on the other hand, upon the fact that Samoa had hitherto been entirely free from import dues of any kind; and it might be feared that if they were raised to a high figure smuggling would be dangerously encouraged.

As regards export dues, it was pointed out that, though undesirable, they would be found necessary under the peculiar circumstances in which the islands were placed; and the rates at which they had been drafted might be considered not too burdensome.

The capitation tax of 1 dollar a-head on Samoans requires to be contrasted with the far higher tax imposed in the Tonga group, in which 20,000 souls yield an income under that head of 60,000 dollars a-year.

It will be seen that the duty on ships calling at Apia for trading purposes has been kept at the rate of 10 dollars habitually levied up to the present time. It was not thought desirable to raise additional income by an increase to this duty.

On the whole, it would appear that the revenue from all sources, which has been estimated in the draft budget submitted by the German Government to the Conference at Washington, may well reach the amount of 90,000 dollars.

There is unfortunately no means of ascertaining exactly the yield of all the taxes or duties included in the estimate now presented.

(Signed) GEO. H. BATES.
CHARLES S. SCOTT.
R. KRAUEL.

Inclosure 3 in No. 22.

Report on the Special Administration of the Town and District of Apia.

THE Sub-Committee, after having considered the question what revenue could be raised for the Government of Samoa by taxation, proceeded naturally to the subject of the Government itself. The question of the creation of some distinct Municipal Government for the town and district of Apia having been made a special order for Wednesday, the 8th May, was on that and the following days taken up for consideration.

Dr. Krauel gave a brief history of the Municipal Government of Apia under the Convention of the 2nd September, 1879, between Great Britain, Germany, the United States, and the King and Government of Samoa. This Convention had never been ratified by the United States. Mr. Bates assented to this, and added that that Power had accepted

it, and the Consuls had entered *de facto* into the Municipal Council under it, and united in executing it, as a convenient arrangement for conducting a local administration for the benefit of citizens of all the Treaty Powers. Attention was called to the provision of Article II, permitting a Consul, who might be sent by any other Power to reside at Apia, to have a seat in the Municipal Board. This, it was agreed by all, was an undesirable stipulation. The Committee also noted the limitation contained in the Convention requiring its revision at the end of four years, and directing that if the internal state of Samoa should admit of it, the powers conferred upon the Municipality should pass to the Samoan Government. The Convention was renewed indefinitely by agreement of the Consul the 3rd September, 1883, and under that extension it continued to be executed until the Municipal Government was terminated in October 1887.

Dr. Krauel thought that this Municipality did not work satisfactorily, and expressed his opinion that it was found undesirable to have the foreign Consuls on the Board.

In this opinion Mr. Scott concurred, as did also Mr. Bates, though the latter expressed the opinion that the Municipal Board had given Apia a reasonably good local administration. He thought its authority had been weakened by the interference of Consuls with the Municipal Magistrate in withdrawing persons held for trial to the Consular Court, and also by the power of Representatives of any one Power to prevent meetings. Mr. Bates also thought that the declarations by all the Treaty Powers in the Conference would set at rest the expectation of residents of Apia, that the islands would finally be annexed by some one of the Powers. This had been a prime cause of local international dissensions and schemes for gaining advantages, each for his own nationality.

After a general discussion of the whole subject, it was finally concluded :—

1. That there should be a special local administration provided for the territory containing most of the foreign residents, being the town and district of Apia, without impairing the territorial rights of the Samoan Government.

2. That upon the Municipality so to be created there should be conferred clearly defined powers over all residents and persons for the time being within its territory.

3. That the territorial limits of the district to be included in the Municipality should be what was known as the Municipality of Apia, as described in Article I of the Convention of the 2nd September, 1879, and such limits may hereafter be changed with the consent of the Samoan Government and with that of the three Consuls.

4. That among the Treaty stipulations to be made between the three Powers and Samoa, as the result of the Conference, should be included such provisions as would effectuate the creation and due execution of this local municipal administration.

This is required, because the Consular jurisdiction conferred by existing Treaties includes the police jurisdiction over citizens and subjects of the respective Treaty Powers.

The question of the form of the Municipal Government, and the persons or body to administer it, having been fully discussed and various plans suggested, it was finally agreed to recommend—

5. That there shall be created a Municipal Council, composed of ratepayers paying not less than 5 dollars per annum. Their term of office shall be two years.

(*a.*) It shall be composed of six members, three to be appointed by the Consular Representatives of the three Treaty Powers, one by each, and three to be elected by the ratepayers residing within the Municipality, paying not less than 5 dollars per annum.

(*b.*) The Chairman of the Council shall be an officer of the Samoan Government, to be hereafter designated, who shall have a vote, or, in the absence of such officer, the Council may elect its own Chairman.

(*c.*) The powers of the Council shall be limited to local municipal administration, including the making and enforcement of regulations and bye-laws not in conflict with the Samoan laws or the Treaty stipulations.

The control of the harbour and its lights, of pilotage and of quarantine, were under the control of the old Municipalty, but the Committee was of the opinion that all these subjects, as well as the collection of Customs to be now provided for, should be under the control of officers of the Samoan Government.

(*d.*) So many of the regulations of the former Municipality as are applicable to the limited powers now conferred shall be deemed to be in force until repealed or amended.

(*e.*) The Board shall also appoint policemen and such minor officers as are required, and fix their compensation, terms of office, &c.

6. There shall be a Municipal Magistrate appointed by the Samoan Government with the approval of the chief judicial officer thereof. His term of office and compensa-

tion and his powers shall be defined hereafter. There shall also be an appeal to the chief judicinl officer of the Samoan Government in cases to be specified, under such conditions as may be prescribed by that officer.

In submitting these conclusions, the Sub-Committee expresses its conviction—

1. That no adequate measures can be devised for the protection of the lives, commerce, and property of the foreign residents in Samoa unless they include the security of a Samoan Government sufficiently stable to restore and preserve tranquillity in those islands.

2. That under present circumstances, no native Government can be expected to fulfil this necessary condition without foreign assistance.

The Sub-Committee therefore thinks that the Conference should proceed first to consider in what form that assistance shall be rendered.

(Signed) GEO. H. BATES.
CHARLES S. SCOTT.
R. KRAUEL.

No. 23.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.

Gentlemen, *Foreign Office, May* 15, 1889.

I HAVE had under my consideration the Report of the Sub-Committee on the Land question in Samoa, presented to the Conference on the 4th instant.

Her Majesty's Government agree to the proposal of the Sub-Committee that land sales by natives to foreigners should in future be prohibited, and that only leases should be allowed. I observe that this principle has been accepted, and that the time and conditions for which a lease may be granted will be considered at the Conference.

Her Majesty's Government also approve generally of the proposals made by the Sub-Committee with reference to the constitution of a Land Commission and a Land Court. The proposal that all claims to land are to be investigated by the Commission, and that evidence is to be taken as to all the circumstances under which the alleged title had in each case been acquired, appears entirely satisfactory, as well as that under which all disputed claims are to be finally decided by the Land Court.

The first of the general Rules formulated by the Committee is also unobjectionable; and the third, which would give a prescriptive title after ten years' undisputed possession and continuous cultivation, affords a reasonable proof of good faith, of which the continued acquiescence of the natives furnishes evidence. The fourth Rule is also proper, and may be accepted; but with reference to the fifth Rule, I trust that it is not intended to exempt from the closest scrutiny all cases of sales or mortgages anterior to the 1st January, 1880, in which the purchase rests upon a consideration of fire-arms, munitions of war, or intoxicating liquors, or when the mortgage represents a loan of money to be spent in such articles, or a debt incurred for them.

I presume also that the reference in Rule 2 to a customary and legal method will not preclude the Commission from examining all purchases before the 28th August, 1879, with reference to the adequacy of price, the correctness of interpretation, and generally the full knowledge by the alleged vendors at the time of the transaction of the meaning of the documents presented to them for execution in a foreign language (English or German). I consider that all transactions, of whatever date, should be inquired into in a spirit of fairness and equity, for all honest dealings will not be affected by lapse of time, while those which were dishonest in their inception should not be ratified merely on the ground that they occurred before a certain date. I would suggest, therefore, that power should be given to partition the land, or to impose terms upon persons whose titles are allowed, so as to provide equitably for any competing claims which may be to a greater or less extent deserving of consideration. Unless some freedom of action in this sense is reserved, Her Majesty's Government are apprehensive that the application of hard and fast Rules might result in hardships in individual cases, and be the source of complaints from British subjects whose transactions in land might be unfairly invalidated by the imposition of special conditions at a time long after the date of such purchases or mortgages. I understand that Rule 2 is subject to further revision.

With regard to the question of mortgages referred to in Rule 1, I learn with satisfaction that such mortgages are intended to be included in the land claims to be submitted to the proposed Land Commission for registration and recognition.

I am, &c.
(Signed) SALISBURY.

No. 24.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 20.)

My Lord, *Berlin, May* 17, 1889.

WITH reference to my despatch of the 11th instant, I have the honour to transmit to your Lordship herewith six copies of the Protocol of the third sitting of the Conference on Samoan affairs, which was duly signed this day by all the Plenipotentiaries of the three Powers represented.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 24.

Conference on Samoan Affairs.

Third Session.—May 11, 1889, 2·30 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the second meeting, held on the 4th May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck presented three Reports brought up from the Sub-Committee, and suggested that they should be read, in order to ascertain whether they met with the approval of the plenary Conference.

Mr. Crowe accordingly proceeded to read as follows:—

"*Report on the Importation and Sale of Arms, Munitions of War, and Intoxicating Liquors.*

"The Sub-Committee, comprising Dr. Krauel, Mr. Bates, and Mr. Scott, which, on this occasion, was also attended, as provided by the full Conference, by Mr. Phelps and Mr. Crowe, took into its consideration the prohibition of the importation and sale of arms and ammunition in Samoa, and also the prohibition of the sale to Samoans and other Pacific islanders of spirituous liquors.

"As regards the first of these points, certain alternatives were discussed.

"The Samoan Government might be invited to pass a Law preventing the importation and sale of arms and ammunition; or the same purpose might be attained by Treaty. Importation for the use of Europeans and sportsmen might be regulated by special arrangements, and infringements might be punished by the *lex loci* or under Consular jurisdiction.

"The Sub-Committee agreed that it was desirable under all circumstances to exclude all arms and ammunition from Samoa, and that the prohibition should be rigidly upheld except in the case of arms and ammunition imported for sporting purposes or for national defence under special licence or other proper restrictions."

Count Bismarck considered that the expression "for national defence," as an exception to the absolute prohibition of the importation of arms into Samoa, was too elastic, as it might convey the impression that the Samoans would possibly require to defend themselves against an attack on the part of foreigners. Such an emergency his Excellency considered to be out of the question, since the three Treaty Powers had virtually already

pledged themselves by Agreement to protect the future of Samoa, and it was most unlikely that any other Power would menace the independence of the natives whilst they remained under the ægis of such protection.

Mr. Crowe explained that the Sub-Committee had rather had in view the contingency of civil disturbances in the framing of this passage.

Sir E. Malet was of opinion that it was equally undesirable that facilities should be reserved for the natives to obtain weapons for use on such occasions.

Mr. Phelps stated that the object of the Sub-Committee had been to suggest that the Conference should endeavour to leave to the Samoans all the attributes of independence not inconsistent with the safety of foreigners. The right of defending the national existence was a very important attribute. The Samoan Government would need, possibly, to defend itself against disorderly persons, or against an insurrection on a small scale. It must have the right of suppressing such outbreaks, and this could only be done by the use of fire-arms.

Any abuse of the privilege in question would be guarded against by the provision that the arms could only be procured by special permission of the General Government —yet to be created, and in which it is assumed that the Treaty Powers will have a controlling representation.

It was agreed that the words, "for purposes of the Government," should be substituted for the words, "for national defence;" and that the Committee of Revision should be charged with the ultimate wording of the text in this matter.

Mr. Crowe read the remainder of the Report, viz.:—

"The Sub-Committee acknowledged the absolute necessity of prohibiting the sale of intoxicating liquors to Samoans or other Pacific islanders. Under Municipal Regulations which had already been applied, the retailing of such liquors was already forbidden to unlicensed persons in Apia; and the breach of this Regulation was punishable by fines. A new municipal organization would have to keep this prohibition in force. The Sub-Committee recommends that it should be left to the Samoan Government, when such a Government has been provided, to establish Regulations for controlling the sale of intoxicating liquors; and the Treaty Powers might agree or arrange by Treaty to take the necessary steps to secure this object either under the Consular jurisdictions, or by such means as may be considered binding on the subjects of the several States concerned."

Count Bismarck suggested that the above should be referred to the Committee of Revision.

This proposal of the President was adopted.

Mr. Kasson asked which of the two alternative proposals contained in the concluding paragraph was to be taken into consideration by the Committee.

Mr. Bates said that the Sub-Committee had considered that the point could not well be more definitely stated whilst it was yet unknown what form of civilized Government would be established in Samoa.

It was agreed that the Committee of Revision should make their choice as to the proposal to be submitted to the plenary Conference in harmony with the other provisions contained in the above Report.

Mr. Crowe then read:—

"*Report on Revenue and Taxation.*

"As regards revenue the Sub-Committee, in conjunction with Mr. Crowe and Mr. Phelps, thought that it was desirable, before anything else was done, to settle the question of the income available for the purposes of government, and for this purpose they drafted an estimate of the dues and taxes which might be levied in Samoa, as hereafter follows.

"To a remark made at the outset that the IIIrd Article of the Treaty of the 17th January, 1878, between the United States and Samoa, barred the levying of import or export dues in the ports of the islands, it was stated that the United States' Government were so desirous to aid the Samoan Government to raise a sufficient revenue that it might be assumed that it would offer no opposition to waiving these rights.

"This much being premised, the following is a Schedule of Duties and Taxes as finally drafted by the Sub-Committee:

"1. Import Duties.—One port of entry, which shall be Apia, to be allowed for the islands, except that additional ports of entry for general use shall be established, one for each of the three Treaty Powers, upon the request of, and at the point named by, each Power."

Sir E. Malet inquired on what consideration the last suggestion was based.

Mr. Phelps explained that the Representatives of the United States desired to have their coal-ships entered at their own harbour of Pago Pago; and, as this right was asked for their Government, they wished Germany and England to have the same opportunity to choose each a port.

Count Bismarck observed that, by the Treaty of 1879 with Samoa, Germany had selected the port of Saluafata as a naval station for her own use; whilst England, though having the same right, had, up to the present moment, not yet made a choice as to a port of her own.

Mr. Kasson considered that coal and naval stores imported for use of naval vessels on the high seas ought to be exempt from taxation.

Mr. Bates stated that this point had been considered in Committee, and as the duty was so small it was not deemed necessary to provide for a special exemption for the Treaty Powers.

Sir E. Malet remarked that it was only proposed to levy a duty of 1 per cent. on coal, and this should be regarded merely as a statistical and not as an import duty.

Mr. Phelps remarked that as the income on the proposed Budget would be very small, it was not worth while to make exceptions.

Mr. Crowe stated that the statistical duties in question had been placed at as low a figure as possible in order to afford no advantage to smugglers, and for this same reason the suggestion of a sole port of entry had originally been made.

Mr. Kasson said that Pago Pago was the only place in Samoa used by the United States, so far as he was aware, as a coaling station. If coal were to be taxed it would be necessary to have a Customs officer there, and this expenditure would equal the revenue derived from the duty on coal. Pago Pago was distant from Apia, and it would be very annoying to take it from the former to the latter port and back again for the purpose of Customs entry.

Dr. Krauel suggested that it would be sufficient for the Agent of the United States at Pago Pago to furnish the authorities at Apia with the necessary details concerning the amount of importation.

Mr. Kasson doubted whether any general Administration would accept such declarations as sufficient. Besides, it was a Treaty right of the United States to have this particular harbour for a depôt of coal and naval supplies, and it was unnecessary, and might be inexpedient, to report the quantity and value to the Local Government.

Sir E. Malet supposed that the Samoan Government would make the necessary regulations upon this subject at a later period.

Mr. Kasson proposed to insert that :—

"No duties shall be levied on coal and naval stores imported for the use of either of the Treaty Governments."

It was agreed that this suggestion should be noted for the consideration of the Committee of Revision, and that the paragraph under discussion should run as follows :—

"One port of entry, which shall be Apia, to be allowed for the islands."

Mr. Crowe then read the following Tariffs :—

"I.—Duties.

	Dol. c.
"1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	0 75
4. On sparkling wines, per gallon	1 00
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On arms, a-piece	2 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, excepting the foregoing, *ad valorem*	1 per cent."

Mr. Kasson inquired whether the proposed duties on intoxicating liquors and fire-arms were sufficiently high.

Mr. Bates said that with regard to the duty on ale, porter, and beer, the question of revenue had been duly considered; that these liquors were imported in very considerable quantities, and formed an important item of revenue.

It was agreed, on the suggestion of Mr. Kasson, seconded by Mr. Crowe, that the duty on arms (No. 7) should be raised from 2 dollars to 4 dollars.

Mr. Phelps stated, with respect to No. 9, that he would ask, as he had done in the

Sub-Committee, that the general statstical duty should be at the rate of 5 per cent., instead of 1 per cent. He regarded the latter as a mere method of keeping accounts, and rather as a system of book-keeping than as a means of obtaining revenue.

Since in the United States 45 per cent. was about the average rate of import duties, he was of opinion that 5 per cent. could not be deemed excessive in this instance.

Mr. Crowe observed that as imports into Samoa were only to be allowed at the single port of Apia, it would be difficult to prevent smuggling at other places if the statistical duty was raised to a high figure. The United States' Government had themselves enunciated the desire that there should be neither import nor export duties in Samoa. Large taxation had been imposed under other heads than those of Customs, and it would be a hardship to increase the amount of the proposed import duties.

Mr. Kasson agreed with Mr. Phelps that an import duty was the best method of obtaining revenue; it was far preferable to the taxing of useful artizans. Smuggling would not be encouraged so long as it was better to pay a moderate duty than to run the risks of confiscation of goods. He would prefer to raise the duty to 3 per cent. to any taxation of artizans.

Mr. Phelps desired that it should be recorded that the majority of the Sub-Committee was not averse to a duty of $2\frac{1}{2}$ or 3 per cent., and he trusted that this point would be borne in mind in all subsequent consideration of the matter.

Mr. Bates advocated a duty of $2\frac{1}{2}$ per cent. as an appreciable item of revenue, yet not sufficient to encourage smuggling. He was opposed to import duties upon general economic principles, and favoured freedom of trade. Here, however, any duties imposed would be for revenue, and not protective. In view of the necessity for revenue and the meagre resources of the islands, he was willing to make the so-called statistical duty at least $2\frac{1}{2}$ per cent.

The question was referred to the Committee of Revision.

Mr. Crowe read:—

"II.—Export Duties.

"On copra, *ad valorem*	$2\frac{1}{2}$ per cent.
On cotton, „	$1\frac{1}{2}$ „
On coffee, „	2 „

"III.—Taxes.

"1. Capitation tax on Samoans and other Pacific islanders not included under No. 2, per head per annum	1 dollar.
2. Capitation tax on coloured plantation labourers, other than Samoans, per labourer	2 dollars.
3. On boats (trading and others), excluding native canoes, each ..	4 „
4. On fire-arms, each	2 „
5. On houses and on land used for commercial purposes, *ad valorem* ..	1 per cent.
6. For registry of deeds of sale, in proportion to selling price ..	$\frac{1}{2}$ „
7. For stamp tax on transfers of property, in proportion to selling price	1 „
8. Trader tax—	
Class 1—	Per annum.
Stores of which the monthly sales are above 2,000 dollars, each store	100 dollars.
Class II—	
Below 2,000 dollars and above 1,000 dollars	48 „
Class III—	
Below 1,000 dollars and above 500 dollars	36 „
Class IV—	
Below 500 dollars and above 250 dollars	25 „
Class V—	
Below 250 dollars	12 „
9. Training ships	10 „ „

Mr. Phelps said that, lest it might be supposed that a capitation tax was collected only from Samoan and other Pacific islanders, he called attention to the fact that, under licence or other provision, each white resident paid a larger tax, viz., even white labourers and domestics, factory hands, and independent workmen.

Mr. Scott hoped the natives would be able to pay this tax without resorting to the objectionable practice of raising cash for its payment by mortgaging their communal lands and produce. He thought this expedient ought to be very strongly condemned, and, if possible, provided against in the future.

Mr. Bates earnestly seconded Mr. Scott's desire that means should be devised to prevent the natives from mortgaging or pledging the produce of their lands.

Dr. Krauel stated that an attempt had been made to collect this tax under the

Government of Tamasese with very satisfactory results. It had then been found that some districts were so eager to pay this tax, that they had been known to contribute more than was legally due from them on that account.

Count Bismarck remarked that the capitation tax in Tonga amounted to 3 dollars per head, and was paid in cash.

Sir E. Malet considered that it would be most improper if the produce of the land should be mortgaged in order to pay the tax in question.

It was agreed that the Conference desired to record its strong opinion of the justice of this observation, with a view to the guidance of the future Samoan Government.

In reply to Mr. Kasson, it was stated that the capitation tax included all members of the native population, viz., men, women, and children.

With regard to No. 3 of this Tariff of Taxes (No. III) a discussion was initiated by Mr. Kasson, who expressed the opinion that native boats other than canoes should be exempted from taxation, provided that they were of small size and used for the purpose of retail and domestic trading.

Mr. Bates explained that the intention of the Committee was to exclude from taxation all boats ordinarily used by the natives, their capitation tax being intended to be in lieu of all other taxation. He had found on inquiry that the word "canoes" did not include all such native boats, and thought an amendment required to make the intention more clear.

Various amendments were suggested as to the wording of the Article, and the question was referred to the Committee of Revision, it being understood that some provision was desirable which should exclude from taxation "small boats employed by the natives for purely domestic purposes."

Mr. Kasson asked, with reference to section 5, whether all houses were intended to be included in this category, or only buildings devoted to purposes of commerce.

After discussion of this subject, it was unanimously stated as the desire of the Conference that the huts belonging to Samoan natives should not be subjected to taxation.

Mr. Phelps said there was a tax (No. 5) on land and houses used for commercial purposes; ought there to be no tax on agricultural lands?

Mr. Crowe thought it would be unfair to lay additional charges on agricultural property or plantations, burdened as these would be with other dues and taxes on traders and export produce.

Mr. Kasson desired to know whether the stamp tax (No. 7) included both real and personal property, and was to apply to ordinary sales of merchandize.

Mr. Bates explained that it was not intended that the stamp tax should have such an application, and suggested that as a stamp tax only properly applied to written documents it had not been considered necessary to express it, but there could be no objection to amending it to apply only to writings.

It was accordingly agreed that the Article should run, "for stamp tax on written transfers of property, &c."

Mr. Crowe then read the remainder of this Report:—

"IV.—Licences.

	Dollars.	
"Tavern	10 to 12	a-month.
Attorney, barrister, solicitor	60	a-year.
Doctor of medicine or dentistry	30	,,
Auctioneer or commission agent	24	,,
Baker	12	,,
Banks or companies for banking	60	,,
Barber	6	,,
Blacksmiths	5	,,
Boat-builders	6	,,
Butcher	12	,,
Cargo-boat or lighter	6	,,
Carpenter	6	,,
Photographers or artists unemployed	12	,,
Engineers	12	,,
,, assistants	6	,,
,, apprentices	3	,,
Hawkers	1	,,
Pilots	24	,,
Printing press	12	,,
Sailmaker (not employed)	6	,,
Ship-builder	6	,,
Shoemaker	6	,,

	Dollars.	
Land surveyor	6	a-year.
Tailor	6	„
Waterman (not employed)	6	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month ..	3	„
„ „ „ paid over 75 dollars a-month	6	„
Unlicensed butchers in Apia	1 per cent. on sales.	
White labourers and domestics, per head	5	a-year.
Factory hands and independent workmen	5	„

"V.—Pilot Dues.

"Per foot draft	1	„

"VI.—Quarantine Dues.

	Dol. c.
"On vessels of 50 tons	0 50
„ 50 to 100 tons	1 00
„ over 100 tons	1 00

And for every further 100 tons or fraction thereof, 1 dollar extra.

"VII.—Judicial Fees.

"VIII.—Fines.

"IX.—Postal Receipts.

"It was pointed out in reference to these duties and taxes that they are much lower than any charged in Fiji; and, on all articles except ale and porter, much lower than those levied under the Tariff of Hawaii, the general duty on goods imported into the latter islands being at the rate of 15 per cent. *ad valorem*.

"It was urged, indeed, that the general statistical charge of 1 per cent. could scarcely be called a duty at all, because it was to be used for purposes of account rather than for purposes of revenue. But stress was laid, on the other hand, upon the fact that Samoa had hitherto been entirely free from import dues of any kind; and it might be feared that if they were raised to a high figure smuggling would be dangerously encouraged.

"As regards export dues, it was pointed out that, though undesirable, they would be found necessary under the peculiar circumstances in which the islands were placed, and the rates at which they had been drafted might be considered not too burdensome.

"The capitation tax of 1 dollar a-head on Samoans requires to be contrasted with the far higher tax imposed in the Tonga group, in which 20,000 souls yield an income under that head of 60,000 dollars a-year.

"It will be seen that the duty on ships calling at Apia for trading purposes has been kept at the rate of 10 dollars habitually levied up to the present time. It was not thought desirable to raise additional income by an increase to this duty.

"On the whole, it would appear that the revenue from all sources, which has been estimated in the draft Budget submitted by the German Government to the Conference at Washington, may well reach the amount of 90,000 dollars.

"There is unfortunately no means of ascertaining exactly the yield of all the taxes or duties included in the estimate now presented."

The entire Report was referred to the Committee of Revision for their further consideration; and

Mr. Crowe read the

"*Report on the special Administration of the Town and District of Apia.*

"1. The Sub-Committee, after having considered the question what revenue could be raised for the Government of Samoa by taxation, proceeded naturally to the subject of the Government itself. The question of the creation of some distinct Municipal Government for the town and district of Apia having been made a special order for Wednesday, the 8th May, was on that and the following days taken up for consideration.

"Dr. Krauel gave a brief history of the Municipal Government of Apia under the Convention of the 2nd September, 1879, between Great Britain, Germany, the United States, and the King and Government of Samoa. This Convention had never been ratified by the United States. Mr. Bates assented to this, and added that that Power had accepted it and the Consuls had entered *de facto* into the Municipal Council unedr it, and united in executing it, as a convenient arrangement for conducting a local admini-

stration for the benefit of citizens of all the Treaty Powers. Attention was called to the provision of Article II, permitting a Consul who might be sent by any other Power to reside at Apia to have a seat in the Municipal Roard. This, it was agreed by all, was an undesirable stipulation. The Committee also noted the limitation contained in the Convention requiring its revision at the end of four years, and directing that if the internal state of Samoa should admit of it, the powers conferred upon the Municipality should pass to the Samoan Government. The Convention was renewed indefinitely by agreement of the Consuls on the 3rd September, 1883, and under that extension it continued to be executed until the Municipal Government was terminated in October 1887.

"Dr. Krauel thought that this Municipality did not work satisfactorily, and expressed his opinion that it was found undesirable to have the foreign Consuls on the Board.

"In this opinion Mr. Scott concurred, as did also Mr. Bates, though the latter expressed the opinion that the Municipal Board had given Apia a reasonably good local administration. He thought its authority had been weakened by the interference of Consuls with the Municipal Magistrates, in withdrawing persons held for trial to the Consular Court, and also by the power of Representatives of any one Power to prevent meetings. Mr. Bates also thought that the declarations by all the Treaty Powers in the Conference would set at rest the expectation of residents of Apia that the islands would finally be annexed by some one of the Powers. This had been a prime cause of local international dissensions and schemes for gaining advantages, each for his own nationality.

"After a general discussion of the whole subject it was finally concluded:—

"(1.) That there should be a special local administration provided for the territory containing most of the foreign residents, being the town and district of Apia, without impairing the territorial rights of the Samoan Government.

"(2.) That upon the Municipality so to be created there should be conferred clearly defined powers over all residents and persons for the time being within its territory.

"(3.) That the territorial limits of the district to be included in the Municipality should be what was known as the Municipality of Apia as described in Article I o. the Convention of the 2nd September, 1879, and such limits may hereafter be changed with the consent of the Samoan Government and with that of the three Consuls.

"(4.) That among the Treaty stipulations to be made between the three Powers and Samoa, as the result of the Conference, should be included such provisions as would effectuate the creation and due execution of this local municipal administration.

"This is required because the Consular jurisdiction conferred by existing Treaties includes the police jurisdiction over citizens and subjects of the respective Treaty Powers.

"The question of the form of the Municipal Government, and the persons or body to administer it, having been fully discussed, and various plans suggested, it was finally agreed to recommend—

"(5.) That there shall be created a Municipal Council composed of ratepayers, paying not less than 5 dollars per annum. Their term of office shall be two years.

"(*a.*) It shall be composed of six members, three to be appointed by the Consular Representatives of the three Treaty Powers, one by each, and three to be elected by the ratepayers residing within the Municipality paying not less than 5 dollars per annum.

"(*b.*) The Chairman of the Council shall be an officer of the Samoan Government, to be hereafter designated, who shall have a vote, or in the absence of such officer the Council may elect its own Chairman.

"(*c.*) The powers of the Council shall be limited to local municipal administration, including the making and enforcement of Regulations and Bye-laws not in conflict with the Samoan Laws or the Treaty stipulations.

"The control of the harbour and its lights, of pilotage and of quarantine, were under the control of the old Municipality, but the Committee was of the opinion that all these subjects, as well as the collection of Customs to be now provided for, should be under the control of officers of the Samoan Government.

"(*d.*) So many of the Regulations of the former Municipality as are applicable to the limited powers now conferred shall be deemed to be in force until repealed or amended.

"(*e.*) The Board shall also appoint policemen and such minor officers as are required, and fix their compensation, terms of office, &c.

"(6.) There shall be a Municipal Magistrate appointed by the Samoan Government, with the approval of the chief judicial officer thereof. His term of office and compensation and his powers shall be defined hereafter. There shall also be an appeal to the chief judicial officer of the Samoan Government, in cases to be specified, under such conditions as may be prescribed by that officer.

"In submitting these conclusions, the Sub-Committee expresses its conviction—

"1. That no adequate measures can be devised for the protection of the lives, commerce, and property of the foreign residents in Samoa unless thay include the security of a Samoan Government sufficiently stable to restore and preserve tranquillity in those islands.

"2. That under present circumstances, no native Government can be expected to fulfil this necessary condition without foreign assistance.

"The Sub-Committee therefore thinks that the Conference should proceed first to consider in what form that assistance shall be rendered."

Count Bismarck thought that it should be the next task of the Conference to consider the summary of this long and interesting Report, and to begin by examining its two final paragraphs.

Mr. Bates said that the paragraphs alluded to by the President were not a summary of the Report, but suggestions relating to another subject. The Report was a scheme of limited local administration in the Municipality, but the concluding paragraphs concerned the general government of the islands. While it seemed manifest that the real scope of the general proposition I referred to at the last meeting of the Conference included the establishment of stable government for the group, the Committee did not feel sure that the reference was intended to cover that entire subject. They therefore reported these general suggestions, in order to bring the subject of the Government before the Conference.

The subject of the proposed Municipality was then taken up for consideration by the Conference.

Mr. Kasson observed that the composition of the Municipal Council (No. 5 A) was a matter of no small importance.

Mr. Scott understood that the Sub-Committee had not submitted its suggestions for the composition of the Municipal Board as a complete and thoroughly satisfactory scheme. He thought that he might without indiscretion reveal the fact that it was practically the result of a compromise between two conflicting opinions which had been advocated in the Sub-Committee. One opinion was, that the Consuls should be in some form represented on the Board. The other, which he had himself shared, was that they should be kept entirely aloof from it, so as to avoid the danger of imparting an international colour to possible disputes on purely municipal and local questions, which ought to be decided solely in accordance with local requirements and interests.

He threw out a suggestion that the Municipality might be divided into two or three wards ,or districts, and care taken that each of these should be properly represented on the Boardl so that their wants might receive equal attention, and no one part of the town be unfairy favoured to the prejudice of the others.

Sir E. Malet expressed a doubt as to the wisdom of placing the nomination of three members of the Municipal Council in the hands of the three Consuls.

Mr. Bates was glad that this question of the composition of the Board had been raised ; it had given rise to much discussion in the Sub-Committee. He desired to separate the Consuls from the purely local administration as much as possible, but thought there were good reasons for giving them the right to appoint one member each. The police powers conferred upon the Municipality include a portion of the jurisdiction heretofore exercised as part of the extra-territorial jurisdiction of the Powers.

There was, perhaps, too much of a tendency now to criticize the Consuls as a class, but whatever else they had done, this one function of appointing members of the Municipal Board had been exercised wisely by them all. There was therefore no objection to having each of the Powers, whose subjects were to be governed by the Council, represented by one member selected by the Consuls.

The election of three members was a concession to the desire of the residents to have a voice in the selection of the Council, and it was sufficient for the present.

Mr. Scott's suggestion for a distribution of the members elected could be easily effected by requiring one to be chosen from each of the three national divisions of the town, Matafele, Apia, and Matautu, or the town could be fairly divided into two districts by the Mulivai River.

Mr. Bates was strongly opposed to the suggestion of vesting the appointment in the

Judge if it could be avoided, as it was, in his judgment, not in accordance with a correct distribution of the powers of Government, and would, he feared, impair the moral influence of the Judge. The designation of an officer of the Samoan Government as Chairman provided an Arbiter in case of a tie, and made a connecting link between the Government and the Municipality.

Count Bismarck remarked that if it were proposed that the Judge should nominate three of the Municipal Council, he was of opinion that a preponderating amount of local influence would be thus thrown into the hands of that official—sufficient, indeed, as possibly to affect his impartiality.

Mr. Phelps, alluding to Mr. Scott's remarks, was willing to admit that the arrangement proposed was by way of a "compromise," for which he was himself responsible.

The reason for which he had urged that the Consuls should each name one member of the Municipal Council was because that Board was intended to exercise Consular rights over foreign subjects. If such rights were to be delegated to other authorities, the British, German, and American Governments ought to nominate these new officials; and the Consuls were the best agents for the Governments to employ in selecting the members of the Council, as they were in a position to nominate the fittest persons.

The clause under discussion was agreed to in principle, and was referred to the Committee of Revision.

Dr. Krauel considered that the ratepayers themselves would be well able to take care of their own interests in such elections. He had seen a similar system working without difficulty in Shanghae.

Sir E. Malet alluded to the fact that the meetings of the former Municipality in Samoa had been liable to be rendered null and void on account of the absence of a single member of the Board, and he suggested that decisions in the proposed new Corporation should be taken by a quorum.

Count Bismarck thought that decision by majority would be advisable, which would exclude the necessity of a quorum,

To this the Conference agreed.

Mr. Bates remarked that it would be needful to consider by what means the machinery for the proposed new administration should be set in motion. The Committee had not overlooked this point, but simply left it for future consideration.

Mr. Phelps proposed the nomination of a "second Sub-Committee," to consider the form of the future Samoan Government and its connection with municipal affairs.

The said second Sub-Committee was appointed, consisting of Dr. Krauel, Mr. Phelps, and Mr. Scott, and it was arranged that they should meet on Monday, the 13th May, at 2·30 P.M., and that the Committee of Revision should assemble on Tuesday, the 14th May, at 10 A.M.

Count Bismarck undertook to convoke the next session of the plenary Conference as soon as sufficient materials for further debate should be prepared.

The Conference adjourned at 4·50 P.M.

(Signed) JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. E. BATES.
EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.

No. 25.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 20.)

My Lord, *Berlin, May* 18, 1889.

I HAVE the honour to inclose herewith a copy of a proposal which the American Commissioners propose to lay before the Conference.

It expresses the desire of the Conference that the Consuls of the three Powers at Samoa may be instructed to notify to the Chiefs and leaders of the contending parties the wish of the three Powers that they should disband and retire peacefully to their homes.

Count Bismarck has told me that he is ready to accept the proposal, and I have the

honour to request your Lordship to be so good as to inform me by telegraph whether Her Majesty's Government are prepared to send the instructions proposed.

I have consulted Mr. Consul Powell, in general terms, as to whether an invitation of this nature to the Chiefs would be agreed to by them, and he expressed the opinion that they would undoubtedly accept it if it were made conjointly by the three Powers.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 25.

Proposal of American Commissioners.

THE Conference, animated by the desire to restore peace and order in Samoa as early as possible, accepts the following order, with the recommendation that each of the three Governments promptly communicate the same by telegraph to their respective Consuls and Naval Commanders at Samoa as identical instruction, namely: "You are instructed to notify the Chiefs and leaders of the contending parties now under arms in Samoa, that it is the united wish of the three Treaty Powers that they immediately disband and retire peacefully to their homes.

"The existing state of war is altogether harmful to the interests of both natives and foreigners in Samoa. Any Chief persisting in it, and all who encourage him, will forfeit the friendship of all the Governments. Let the people of Samoa, now arrayed against each other, return to their homes, avoiding all strife, and there await in peace the friendly counsel of the Governments which are now consulting together for their good.

"Let both parties know these words. They are the words of each and of all the Powers together. Yourself urge them earnestly. Any Chief who refuses this advice will be considered by us as unfriendly to the interests of Samoa."

No. 26.

Sir E. Malet to the Marquis of Salisbury.—(Received May 20.)

My Lord, *Berlin, May* 18, 1889.

I HAVE the honour to transmit to your Lordship herewith a Memorandum drawn up by Mr. Scott of the proceedings in Sub-Committee on the 8th instant with respect to the protection of foreign interests in the town and district of Apia.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 26.

Memorandum on the Proceedings in the Sub-Committee on May 8, 1889.

Subject for Discussion: "Protection of Foreign Interests in the Town and District of Apia."

IT will be seen in the Report of these proceedings which was submitted to the Conference in the form drawn up by Mr. Bates that the Sub-Committee, after listening to Dr. Krauel's historical narrative of the former Municipal Government and the present position of affairs, arrived without difficulty at an agreement as to the necessity of creating a special administration for this district, and of doing so in accordance with some international arrangement which would have a legal binding effect on the subjects and citizens of the three Treaty Powers, as well as on all persons at present subject to the jurisdiction of the territorial authority.

The fact of the United States' Government not having ratified the Convention of the 2nd September, 1879, had left it open to doubt whether the arrangements under that Convention had had a legal binding effect on its citizens resident within the Municipality.

We were of opinion that, in any new arrangement, care must be taken to leave no room for doubt on this point.

The limits of the Municipality ground, as described in Article I of the Convention of 1879, were considered to be sufficiently accurate at the present time to admit of their adoption in any future arrangement. (The boundaries have, I understand, never been verified by accurate survey.) But we unanimously agreed that it would not be desirable to revive the old Municipal Government in its previous form, but to remodel its constitution, and to limit its functions and jurisdiction.

At the suggestion of Mr. Bates, which was seconded by Dr. Krauel, it was agreed to recommend that the harbour of Apia should be excluded from the jurisdiction of the Municipal Government, in order to enable us to place the collection and control of customs, and the control of the harbour and its lights, and of quarantine and pilotage, under an authority to be afterwards designated in connection with the Samoan Government. The composition of the Municipal Board afforded a subject of much discussion in the Sub-Committee. Dr. Krauel and I were strongly in favour of keeping the Consuls as far as possible aloof from municipal and local disputes and jealousies, in order not to impart to these an international colour, and give occasion to continual references to the respective Governments of the Consuls. We were of opinion that if the deliberations and acts of a Board of ratepayers representing purely local wants were controlled or presided over by an impartial official enjoying the confidence of the three Governments, all danger of an unequal treatment of national interests would be sufficiently guarded against.

The American Plenipotentiaries were anxious, for reasons afterwards explained by Mr. Phelps to the full Conference, to give the Consuls at least an indirect participation in the Municipal Government.

The scheme which we finally agreed to submit for the consideration of the Conference was, as I explained on the same occasion, of the nature of a compromise between these two views.

I should here add that I had consulted Mr. Consul Powell upon this point, and that he was altogether in favour of keeping the Consuls entirely aloof from the Municipal Board, and of allowing the six members of that body to be elected by the ratepayers.

Mr. Powell would, however, like to see the Consuls given some position, such as that of a Consular Council or Appellate Court of Second Instance, intervening between the Municipal Board and the final instance of appeal, the Judge.

The general form in which the Conference referred the Sub-Committee's recommendation with regard to the Municipal Board to the Committee of Revision may perhaps still afford an opportunity of discussing this suggestion of Mr. Powell.

The Sub-Committee having experienced considerable difficulty in formulating a practical scheme of Municipal Government in the absence of any indication of the lines on which the future Samoan Government is to be constructed and assisted, the two last paragraphs were, at my suggestion, added to our Report, inviting the Conference to empower us to discuss this essential part of the programme.

(Signed) CHARLES S. SCOTT.

Berlin, May 12, 1889.

No. 27.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 20.)

My Lord, *Berlin, May* 18, 1889.

I HAVE the honour to transmit to your Lordship herewith a Memorandum, drawn up by Mr. Scott, of the proceedings in the Sub-Committee on the 13th and 14th instant respecting the form of the future Samoan Government.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 27.

Memorandum on the Proceedings in the Sub-Committee on May 13 *and* 14, 1889.

Subject for Discussion: "The Form of the future Samoan Government."

THIS subject, having been admitted on all sides to be the only one likely to give rise to serious controversy, was approached with great caution and tentatively on all sides.

As none of the members of the Special Commission seemed prepared to submit a distinct scheme for consideration, we began by agreeing to the following propositions:—

1. That an independent and stable Government was a necessary condition to the security of foreign interests in Samoa.

2. That the forms of authority now in existence in those islands did not fulfil these conditions, nor could they even be properly recognized as Governments at all.

3. That, in order to secure both independence and stability of government, it would be necessary that the Samoans should be allowed to have their own native Government and institutions, receiving from the Treaty Powers only such assistance as they might ask or need in order to secure stability and the maintenance of tranquillity in the islands.

Having established this agreement, the Sub-Committee proceeded next to touch the question of the necessity of an election of a new native King.

Having been asked to offer a suggestion, I said that we had no other wish than that the Samoans should be governed by the Ruler whom they themselves preferred, and that we would support any arrangement for securing the free election of a Sovereign.

It was then agreed (Proposal I) to recommend to the Conference that the natives should be allowed to elect a King after their own fashion without foreign interference.

A discussion as to the respective advantages and disadvantages of a Vice-King was ended by the adoption of my suggestion, that this point might be left to the Samoans to decide themselves.

Mr. Phelps here made a suggestion, which was found to be a necessary and practical one, that there should be some reliable European on the spot to decide the issue of the King's election. We found, by reference to the past history of the islands, that at the election of Malietoa in 1879 this duty had been undertaken by the Commander of a German man-of-war, but this was not considered by the Committee to be a desirable precedent to follow in the present instance; and it was finally agreed (Proposal II) that the most suitable person would be the Judge who was to constitute the Land Court, whose appointment and departure for Samoa should be fixed at as early a date as possible.

It was then agreed (Proposal III) that this official should also be the first foreign Assistant of the new Government under the title of Judicial Representative of the three Treaty Powers.

His functions, it was proposed, should include:—

(*a.*) His duties in the Land Court.

(*b.*) His duties in elections.

(*c.*) Duties in appeals from the Municipal Magistrate of Apia.

(*d.*) The duties of an Appellate Judge and Final Arbiter in any misunderstandings between the Samoan Government and the Consular Representatives of the Treaty Powers.

It was also agreed (Proposal IV), as regards the constitution of the Samoan Government, that the Samoans should be free to reconstitute the Taimua and Faipule, or to adopt such other legislative machinery as might suit them.

The fifth point on which the Sub-Committee agreed (Proposal V), on the suggestion of Mr. Phelps, seconded by Dr. Krauel, was to recommend that further assistance should be given to the native Government in the form of an Executive Representative of the Treaty Powers.

This second Assistant was suggested by the objections of the United States' Plenipotentiaries to combine judicial and executive functions in the same hands, objections which were admitted by the Sub-Committee to be entitled to consideration.

It was agreed that the Executive Representative should be the Adviser of the Government in all matters concerning foreign interests, that he should be appointed by the Samoan Government on the nomination of the three Powers, and that he should advise in all matters where he could be useful, but especially that he should perform the following duties:—

1. Preside at the Municipal Board of Apia.

2. Control the income and expenditure of all customs duties, and of the revenue to be collected in the district of Apia, a sum to be afterwards designated to be annually set aside by him for the requirements of the Municipality, which sum might be altered by the Judicial Representative on appeal from the Municipal Board.

3. Superintend the Harbour and Quarantine Regulations and other measures connected with foreign trade and shipping.

Mr. Phelps having kindly undertaken to put these points of agreement into Report form, the Sub-Committee met the following day to reconsider this Report.

In conclusion, I would desire to explain that the several proposals upon which the scheme of future government is based were initiated by the American Plenipotentiaries, and that I concurred in them after they had been seconded and amended by the German Plenipotentiaries.

(Signed) CHARLES S. SCOTT.

No. 28.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(*Received May* 20.)

(Extract.) *Berlin, May* 18, 1889.

WE have the honour to transmit herewith to your Lordship two copies of the fifth Report of the Sub-Committee.

This Report, which deals with the question of the form of the future Samoan Government, was laid before the Conference yesterday.

Inclosure in No. 28.

Report on the Form of the future Samoan Government.

[See Inclosure in No. 34.]

No. 29.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(*Received May* 20.)

My Lord, *Berlin, May* 18, 1889.

WE have had the honour to receive your Lordship's despatch of the 15th instant, and have learnt with satisfaction that the greater part of the proposals contained in the Report of the Sub-Committee of the Conference for the equitable adjustment of land claims in Samoa meet with the approval of Her Majesty's Government.

With regard to those points upon which your Lordship desires further explanation from us, we have the honour to report as follows:—

The fifth Rule to be laid down for the guidance of the Land Commission is intended to invalidate land purchases and land mortgages based upon an actual consideration of fire-arms, munitions of war, or intoxicating liquors made subsequent to the 1st January and the 25th October, 1880, the dates at which such transactions with the natives were made illegal both by municipal and Samoan law. The Sub-Committee did not consider it possible to extend the application of this Rule to earlier purchases and mortgages, for, although in the case of British subjects these transactions were already illegal under the Pacific Islanders Protection and Foreign Jurisdiction Acts of an earlier date, there was no earlier Law under which the Commission or Judge could pronounce such transactions illegal in the case of Germans or Americans.

It is apprehended that it would be open to a claimant to bring a subsequent action in the Land Court, and to obtain a verdict in his favour, in consequence of the absence of such legal restrictions prior to 1870, as the Conference has not the power to legislate retrospectively.

Rule 2, which, with the other Resolutions of the Sub-Committee charged with the task of textual revision, empowers the Commission in every case where the fact or regularity of a purchase made anterior to the 2nd August, 1879, is questioned, to examine and determine such dispute subject to the confirmation vested in the Land Court.

It should be observed that Article III of the Anglo-Samoan Treaty of 1879, and Article VI of the German Treaty with Samoa of 1878, secure to British and German subjects the peaceable possession of all lands which they had at those dates acquired in a "regular and customary" manner, and that the American Plenipotentiaries claim for their Government a similar privilege under the most-favoured-nation clause in their Treaty.

The Committee held that it was not open to the Powers to cancel, by any *post facto* act, the privileges thus acquired by their allegiates, or to invalidate anterior land transactions on any other grounds than proof of an irregular or uncustomary transaction.

We are, however, of opinion that an equitable interpretation of the word "irregular" would give the Commission all the powers which your Lordship desires to see secured to it.

If, after consulting with our German and American colleagues, we find that such an interpretation is open to question, or that the Commission, under the power to be given to it to "effect equitable adjustment of all land claims," is not regarded by them as having the power suggested by your Lordship "to partition the land or to impose terms upon the persons whose titles may be confirmed so as to make equitable provision for any competing claims more or less deserving of consideration," we shall make it our endeavour to secure such powers for the Commission by a more precise working of the Rules, or by an insertion in the Protocols of the Conference that it is the desire of the Powers that such an interpretation should be given to the words.

We have, &c.
(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

No. 30.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.—(*Substance telegraphed.*)

Gentlemen, *Foreign Office, May* 20, 1889.

YOU are authorized to accept the proposal of the United States' Plenipotentiaries to the Conference relative to the disbandment of the Chiefs of Samoa, as reported in your despatch of the 18th instant.

I am, &c.
(Signed) SALISBURY.

No. 31.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.

Gentlemen, *Foreign Office, May* 22, 1889.

HER Majesty's Government have had under their consideration the Report of the Sub-Committee of the Conference, inclosed in your despatch of the 11th instant, on the revenue and taxation of Samoa, and their Report on the form of the future Samoan Government, inclosed in your despatch of the 18th instant.

The items of taxation seem to Her Majesty's Government to be reasonable, and the estimate of revenue prepared by the Sub-Committee does not appear to be excessive.

But it should be borne in mind that the expenses of the Land Court would be a heavy item on the expenditure side of the account if they were to be wholly discharged by the Samoan Government.

I observe, however, from your despatch of the 18th instant, that it is recommended that the salary of the Judicial Representative should be either paid or guaranteed by the three Treaty Powers.

I am, &c.
(Signed) SALISBURY.

No. 32.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.

Gentlemen, *Foreign Office, May* 22, 1889.

HER Majesty's Government have had under their consideration the Report of the Sub-Committee of the Conference, inclosed in your despatch of the 11th instant, on the prohibition of the importation and sale of arms in Samoa, and of the sale to Samoans and other Pacific Islanders of spirituous liquors.

Her Majesty's Government agree in the policy of enforcing the prohibition in both cases, and consider that the Samoan Government should be invited to pass a law for the purpose.

Although such a prohibition might, and, indeed, should be enforced by each of the three Powers under Consular jurisdiction against its own subjects, a local law seems necessary to prevent the trade being carried on by the subjects of other nations.

I am, &c.
(Signed) SALISBURY.

No. 33.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.

Gentlemen, *Foreign Office, May* 22, 1889.

HER Majesty's Government have had under their consideration the Report of the Sub-Committee of the Conference, inclosed in your despatch of the 11th instant, on the special administration of the town and district of Apia.

Her Majesty's Government approve the proposal to establish a Municipal Government for the town of Apia and its vicinity, and consider the scheme put forward to be suitable for the purpose. They also concur in the suggestion that Consuls should not, for the present at least, be members of the Municipal Board.

I am, &c.
(Signed) SALISBURY.

No. 34.

Sir E. Malet to the Marquis of Salisbury.—(Received May 27.)

My Lord, *Berlin, May* 22, 1889.

WITH reference to my despatch of the 17th instant, I have the honour to transmit herewith to your Lordship two copies of the Protocol of the fourth sitting of the Conference on Samoan affairs, which was signed yesterday by all the Representatives of the three Powers.

Additional copies of this Protocol will be forwarded to your Lordship by next messenger.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 34.

Conference respecting Samoan Affairs.

Fourth Session.—May 17, 1889, 2·30 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the third meeting, held on Saturday, the 11th May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck stated that since the last meeting of the Conference the second Sub-Committee and also the Committee of Revision had been at work, and his Excellency requested Sir E. Malet to make a statement as to the conclusions arrived at by the latter.

Sir E. Malet said that the Committee of Revision had met three times, and had finished as much of their work as was possible with the matter which had hitherto been referred to them by the Conference, but that to formulate definitively all the conclusions already come to by the Conference must still depend in some measure upon its future decisions.

The only point of importance which he now desired to mention was a suggestion which had been adopted by the Committee for reference to the Conference, that the Chief Justice of Samoa should be nominated by the Lord Chief Justice of England. Her Majesty's Government were anxious to do all in their power to meet the wishes of the Governments of Germany and the United States, but they were disinclined to be in any way responsible for the actions of the Chief Justice of Samoa. It was felt that if the nomination were made by the Government some such responsibility might be held to attach. By placing the nomination in the hands of the Lord Chief Justice of England, who was not a member of the Government, the odour of Government selection and consequent responsibility would be entirely removed.

Count Bismarck fully agreed to this proposal, and considered that an analogous system might well be adopted in the appointment of the Executive Representative.

The German Government would not willingly assume the responsibility of nominating this officer, and, in his opinion, it would be advisable to select a subject of some neutral Power, as, for instance, a Dutchman or a Scandinavian, for the appointment in question.

His Excellency observed that it might be useful to suggest to the Sub-Committee that they should proceed in accordance with the above considerations as regards the nomination of the Executive Officer.

Mr. Kasson concurred with the proposal made as to the nomination of the Judicial Officer, which was acceptable to him in view of the non-political character of the appointment, and because the qualities required in such an official appeared to be guaranteed by the proposed manner of his nomination, viz., that he would be thoroughly acquainted with the English language, a person of sound and complete legal education, and one who could be relied upon to discharge his duties with perfect impartiality.

The proposal set forth by Sir E. Malet was accepted.

Count Bismarck repeated his suggestion that a similar method might with advantage be followed in the selection of the Executive Officer, with regard to whose appointment the same arguments prevailed, and that all political considerations ought

to be eliminated from his nomination in order to establish a guarantee for his impartiality.

Sir E. Malet stated that Count Bismarck's proposal would be acceptable to the British Plenipotentiaries.

Mr. Kasson said that he had not as yet studied this proposal minutely ; but he was in favour of its being considered by the Sub-Committee with a view to obtaining further details as to the nationality and method of appointment of the said Executive Officer.

The proposal of Count Bismarck was referred to the Sub-Committee, and, at the request of his Excellency, *Mr. Scott* read their

"*Report on the Form of the future Samoan Government.*

"The Committee to whom was referred the task of 'considering the form of the future Samoan Government and its connection with municipal affairs' having considered the subject, in conjunction with Messrs. Crowe and Bates, beg leave to report—

"The Committee were at one in concluding—

"1. That an independent and stable native Government is a necessary condition to the security of foreign interests.

"2. That the forms of authority now existing on these islands could not be considered as fulfilling these conditions, or even be recognized as Governments at all."

Count Bismarck thought that it might be preferable to use the word "Government" instead of "Governments" in the last line of No. 2.

Mr. Phelps said that the purpose of using the plural number with reference to the actual authorities in Samoa had been in order to avoid indicating either the control of Tamasese or Mataafa, in such a way as to exclude neither and to include both.

Count Bismarck feared lest the word, standing as it did in the Report, might give rise to misunderstanding, since the object of the Conference was to provide a new Government for Samoa, and expressed a wish that the Committee of Revision should give its attention to this question.

Mr. Scott read :—

"3. And that, to secure both the independence and the stability of the native Government to be established, it is necessary that the Samoans should choose and construct their own form of Government, after their own native fashion, and administer it themselves, receiving from the Treaty Powers only such counsel and aid as they might ask and need."

Count Bismarck suggested the insertion of the word "conjointly" after the words "from the Treaty Powers."

This wording would avoid a possible misinterpretation of the clause ; since, as the Judge would act under the combined influence of the three Treaty Powers, it would be well to demonstrate that they were proceeding in concert in this particular.

Mr. Phelps gladly accepted Count Bismarck's suggestion, as giving clearer expression to the views of the Sub-Committee, viz., to offer no counsel and no aid except such as should be furnished by all of the three Powers acting together.

Mr. Scott read :—

"With these general views the Committee were willing to suggest, by way of counsel and aid, the following

"*Form of Government.*

"1. The natives might elect a King.

"2. The natives might also elect a Vice-King, if they wished to do so.

"On this point the Committee divided—some thinking the existence of a Vice-King harmful, because it perpetuated a jealousy between two native sections ; others, that it recognized and appeased this jealousy.

"Whether there should be any restriction as to candidates was left to the General Conference."

Mr. Kasson proposed, in view of the uncertainty of opinion existing as to the proposals in this respect, that the two above clauses should form the subject of further discussion at the next meeting of the Conference.

This proposal was adopted.

Mr. Scott read:—

"3. That any disputes as to this or other elections might be decided, and the results declared by the Land Judge, whom, for convenience, we may call the Judicial Representative of the three Powers."

Sir E. Malet remarked that the title given by the Committee of Revision to the Land Judge was "Chief Justice of Samoa."

Count Bismarck suggested that the Committee of Revision might determine the appellation of the official in question.

Mr. Kasson observed that the term was merely descriptive of the office to be created, and that the exact title would be settled without difficulty.

Mr. Scott read:—

"All were agreed here that the election must be decided by some one, and the plan proposed was deemed worthy of suggestion by all. The Judge was certainly better, as an Umpire, than the Consuls or a man-of-war, as provided in the Agreement of the 15th December, 1879.

"While considering this use of the Judge, it was deemed wise to suggest that his functions should be defined, so as to include:—

"(*a.*) Duties in Land Court;

"(*b.*) Duties in elections;

"(*c.*) Duties in appeals from the Municipal Magistrate;

"(*d.*) Duties as Appellate Judge and final Umpire in any misunderstanding between the Samoan Government and the Representatives of any of the Treaty Powers.

"4. That the Samoans might reconstitute their old Taimua and Faipule, or adopt such other legislative machinery as they might prefer.

"5. The Committee suggest that the foreign Powers have an Executive Representative, who shall be the Adviser of the Samoan Government in all matters that concern foreign interests."

The above was accepted in principle, and referred to the Committee of Revision.

Mr. Bates desired that if proposals were sent back to the Sub-Committee, it should be clearly understood whether or no the said Committee were at liberty to consider any alternative propositions submitted in the course of their deliberations.

Sir E. Malet observed that the Sub-Committee should only be empowered to examine proposals which were sent back to it by the Conference for reconsideration; otherwise the proceedings of the Conference would come to a dead-lock.

Count Bismarck considered that the only questions to be reconsidered by the Sub-Committee were those of the nationality and mode of appointment of the Executive Representative. If the discussion of questions that had already been dealt with by Sub-Committees, and about which the Commissioners had arrived at an agreement, should be reopened, the Conference and the Committees would be in danger of undoing their own work, after the fashion of Penelope's web.

Mr. Phelps remarked that this portion of the Report would in due course be put into more perfect shape by the Committee of Revision.

Mr. Bates understood that all proposals of the Sub-Committee were subject to the result of the consultations of the Plenipotentiaries with each other and with their respective Governments, and were accepted by the plenary Conference simply *ad referendum*. This had been distinctly understood at the outset with reference to Reports of Sub-Committees.

Baron Holstein thought it well to recur to the plan which the Conference had adopted at the beginning. The admission underlying all the work of the Committee was that all the conclusions of the Conference, in principle and detail, were adopted subject to the final approval of their Governments, in short, *ad referendum*. To facilitate work, the Conference had given the preparation of its business to three Committees—there was the Committee on Revenue, Land, &c.,—this Committee had reported. Its work was approved by the Conference, and was already gone to the Committee of Revision. The duty of this Committee was to revise the work of separate Committees, so as to make it appear as a consistent whole. The third Committee was to report the form of future government for Samoa. Mr. Phelps had reported for it. The Conference had accepted most of the recommendations, but had referred some back to that same Committee for further consideration.

Mr. Bates said that there appeared to be some misapprehension as to the functions of the Committee of Revision. He understood that their function was to revise or edit the conclusions of the Conference, and not to substitute new proposals; for instance, he

considered that if this Report be accepted without qualification, it would not be in their power to propose any other plan than that of a single Executive Representative. He wanted the opportunity of consulting his Government upon such points, if necessary.

Mr. Phelps thought that was a correct statement. The Committee of Revision was mainly one of editing, but it would be necessary, as its task was to unite all separate Reports, as Baron Holstein said, into one consistent whole, to make such changes in details, as well as in words, as would accomplish this object.

Sir E. Malet agreed in this view.

Count Bismarck also agreed therewith, and said that it was understood that the final conclusions of the Conference were to be taken *ad referendum* to the respective Governments. Meanwhile, it was hardly possible to refer to the Governments for instructions on every point of detail; each group of Plenipotentiaries had instructions to which they might refer, and they could easily discover how far the decisions to which they adhered tallied with their instructions. His Excellency proposed that the Sub-Committee should simply reconsider the two points referred back to them.

This proposal was adopted.

Mr. Scott then read the remainder of the Report as follows:—

"The Executive Representative shall be appointed by the Samoan Government upon the nomination of the three Powers, and shall advise the Samoan Government in all matters where he can be useful, but especially shall he perform the following duties:

"(*a.*) He shall be the President of the Municipal Board of Apia.

"(*b.*) He shall control the income and expenditure of all customs duties and of the revenue collected otherwise in the district of Apia, a certain sum being set aside annually by him for the requirements of the Municipality of Apia, which can be altered by the Judicial Representative upon appeal.

"(*c.*) He shall superintend the Harbour and Quarantine Regulations and other measures connected with foreign trade and shipping.

"6. The question of salaries coming up, it was agreed that the salary of the Judicial and Executive Representatives ought to be paid, or at least guaranteed, by the Powers: that the salary of the Judicial should be larger than that of the Executive Representative. Opinion as to the amount of these salaries varied. Some preferred 7,500 dollars for the Judge. Others thought 5,000 dollars sufficient. For the salary of the Executive Representative 4,000 dollars was mentioned."

Mr. Kasson stated that the Committee of Revision had concluded in favour of a salary of 6,000 dollars for the Judge or Chief Justice, which amount appeared to be a just medium of the suggested remuneration for the services of that officer.

Count Bismarck agreed, inasmuch as the Judge ought not to receive a smaller salary than a foreign Consul in Samoa. The German Consul had a salary of 6,000 dollars; as the Conference was agreed that it was very important to procure the best possible person for the office of Judge, the pay of the latter should at least be equal to that of the best paid Consul on the spot.

The Conference agreed to the foregoing conclusion, and to the proposal that the Executive Representative should receive a somewhat smaller salary than the Judge.

Sir E. Malet inquired whether the question of paying or guaranteeing the salary of the Judge by the Powers had been well considered. He asked whether it would be needful to do so beyond the period of one year, and he doubted whether his Government would be disposed to go beyond a limited period for this purpose.

Mr. Phelps suggested that the words "as long as it may be necessary" might be inserted in this clause.

Count Bismarck thought that the Samoans would be able to pay at the outset at least one-half of the necessary amount out of the taxes, and that, if the Treaty Powers should agree to guarantee the salaries of both the Judicial and Executive Officer, they would hardly risk having to pay more than a few thousand dollars between them during the first period of perhaps a couple of years.

Sir E. Malet asked whether the salaries of the Judicial and Executive Officers might not be made a first charge upon the revenues of Samoa.

Mr. Kasson remarked that these officers were not to be appointed for the benefit of the Samoans themselves, but rather in the interests of the subjects of the three Treaty Powers and of other foreigners: as it was not contemplated to force any particular form of Government upon the Samoans, it was but reasonable that the Powers, in whose interest these officers were to be appointed, should at first bear the expense of their maintenance.

Mr. Bates suggested that the recommendation as to the actual payment of these

officers might be omitted, whilst the guarantee for their salaries for a fixed or indefinite period might remain.

Mr. Phelps agreed entirely with the views expressed by Mr. Kasson upon this point.

Mr. Bates gave it as his opinion that it was good and expedient to nominate officials to act in the interests of foreigners, but every person with a local and practical knowledge of the affairs of Samoa would understand that these officers would virtually constitute the Samoan Government. Their success would depend on the services actually rendered by themselves; they would be the collectors and comptrollers of the revenue, which ought to furnish all the requisite outlay.

It would promote the efficiency of the said officers to make them dependent upon their own efforts.

Sir E. Malet observed that the native Government would not have the power of removing these officials.

Count Bismarck remarked that the two officers would have the important task of maintaining order in the municipal district of Apia. It would also be their duty to watch over the interests of foreigners. In principle, no doubt, they should be paid by the Samoan Government; but if this were found to be impracticable for the first few years, he opined that the three Treaty Powers might undertake conjointly this small expenditure in their own interests.

Mr. Phelps was willing, if such were the desire of the Conference, that the Powers should agree to guarantee and not to pay these salaries; but he must remark that the opinion of the Sub-Committee had been in favour of payment, because the said officers would be the actual Judicial and Executive Representatives of the three Powers. It was therefore right that they should be paid by the Powers and not by the Samoans, who would, indeed, at first be unable to do so from lack of means.

Again, the required officials would need to be assured of their salaries on accepting such distant and important employments.

He felt sure that the United States' Government would be willing to pay one-third of the expense, and so to assist in the formation of a system of government for Samoa, at least for a time.

Moreover, as the two officers would have the disposal of all revenues collected, they would naturally provide their own emoluments out of the said funds so soon as the income of the country allowed of their doing so.

Count Bismarck presumed that if the estimated revenue of 90,000 dollars were forthcoming, there would be no difficulty in creating a first charge thereupon for the salaries in question.

Mr. Kasson desired to know who would be charged with the assessment, custody, and disbursement of the revenue collected. It would surely be necessary to appoint a Treasurer.

Count Bismarck thought that the Executive Official might undertake this duty.

Mr. Kasson considered that an officer acting as Auditor would still be required; he suggested that the Sub-Committee should consider this matter.

Mr. Phelps understood, from the tenour of the Report under consideration, that it would be the function of the Judge to decide this, like all other differences, on appeal.

Mr. Kasson trusted that the Committee of Revision would harmonize this detail in conformity with the other conclusions of the Conference.

Mr. Bates urged that the Sub-Committee had as yet prepared no complete scheme of a form of Government for Samoa. He desired to know what Committee or subdivision of the Conference had the task of framing such proposals, and how it was intended that the future system of government in Samoa should be set in motion.

Count Bismarck had no doubt that when the Samoan Government was once fairly constituted, it would find no difficulty in setting its own machinery in motion.

Mr. Bates asked in what manner the first election of the proposed Municipal Council was to be managed.

Sir E. Malet understood that this would be under control of the Judge according to the provisions of the Report now under the consideration of the Conference.

Baron Holstein proposed that the Committee of Revision should consider these particular points.

This proposal was adopted.

The President proposed that the remaining subjects of discussion should be dealt with by the Sub-Committees, and that the Committee of Revision should work upon all matters submitted to it from day to day.

Count Bismarck's proposal was unanimously accepted.
The Conference adjourned at 3·50 P.M.

(Signed) JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.
EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.

No. 35.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 30.)

My Lord, *Berlin, May* 28, 1889.

I HAVE the honour to transmit to your Lordship herewith two copies of the Protocol of the fifth session of the Conference on Samoan affairs, which was signed yesterday by all the Representatives of the three Powers.

Additional copies of this Protocol will be forwarded to your Lordship by next messenger.

I have, &c.
(Signed) EDWARD B. MALET

Inclosure in No. 35.

Conference respecting Samoan Affairs.

Fifth Session.—Wednesday, May 22, 1889, 3 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the fourth meeting, held on Friday, the 17th May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck inquired of Sir E. Malet what progress had been made by the Committee of Revision with their important labours.

Sir E. Malet said that the Committee of Revision had worked assiduously, and had virtually completed their Report as far as regarded the materials already placed in their hands. The result of their deliberations would shortly be placed before a plenary Conference in the form of a complete act.

Count Bismarck proposed that the plenary Conference should discuss the conclusions of the Committee of Revision as soon as the Plenipotentiaries had received the same in print, and had time to consider them.

Mr. Kasson was convinced that the Report of the Committee of Revision would lead

to no protracted discussion, since they had not felt at liberty to alter any principle involved in proposals which were accepted by the Conference. They had chiefly occupied themselves with adjusting necessary details, supplying omissions, and putting the different proposals into a harmonious scheme. He gave the outline of the arrangement which they proposed to report.

Count Bismarck expressed his assurance that the careful work of the Committee of Revision would certainly achieve the objects which the Conference had in view, and would formulate the decisions taken in the best possible manner.

It was agreed that the Report of the Committee of Revision should be laid before the next meeting of the plenary Conference.

Count Bismarck observed that, during the last meeting, when the Report on the form of the future Samoan Government had been discussed, the following points had been reserved for future consideration, viz., that—

"1. The natives might elect a King.

"2. The natives might also elect a Vice-King, if they wished to do so."

His Excellency understood that the Plenipotentiaries of the United States had been made acquainted with the views of their Government in this respect.

The Conference had already agreed that it was desirable to interfere as little as possible with the internal affairs of Samoa, and the German Government had no objection to recognizing any form of Government which the natives might choose for themselves. The principle of the election of a King was therefore acceptable, but he was bound to make one exception, in the person of Mataafa, on account of the outrages committed by his people, and under his authority, upon dead and wounded German sailors lying on the field of action.

Sir E. Malet considered the exception made by Count Bismarck as fair and reasonable. His Government would have probably entertained a similar objection had the like outrages been committed on British sailors. His Excellency then read the following statement:—

"With reference to the question of the election of a King, which is now before us, we are anxious to make a proposal which, we trust, may recommend itself to you. We are advised by those who have a local knowledge of the country that if the Powers disclaim all intention of intervention, and devolve upon the Samoans themselves the duty of freely electing their King, the result will be that they will have given the signal for civil war, as the practice of the islands only confers Kingship upon the Chief who is able to vindicate his supremacy by arms. A peaceful election, such as is the design of the Powers, is, we are assured on good authority, not possible. Now, civil war would be a lamentable beginning to our efforts towards the peace and good government of the islands. We have, therefore, turned for guidance to the principles which were announced on behalf of the three Governments at the opening of the Conference; and we find in the words pronounced by the First American Plenipotentiary a practical suggestion. He expressed the earnest desire of his Government for the restoration of the *status quo*. On the same occasion the President of the Conference announced that Malietoa, the former Samoan King, had been released by His Majesty the Emperor of Germany.

"We have reason to suppose that, if such a peaceful election as we believe to be impossible could take place, Malietoa would be returned by a large majority.

"We therefore propose that, in the interests of the peace and prosperity of the islands, it should be intimated to the Samoan people that if they will take Malietoa as King, such act on the part of the Samoans shall receive the sanction of the Treaty Powers."

Count Bismarck was of opinion that Sir E. Malet's proposal was much to the point, since all were agreed that the main if not the sole object of the Conference was to secure peace and order in Samoa. He therefore considered the motives of the suggestion to be sensible and acceptable. He referred to what he had stated before with respect to Samoan autonomy, and repeated that, in case Malietoa should carry the votes of his countrymen, there would be no reason to raise an objection.

Mr. Kasson said that he and his colleagues had foreseen a great practical difficulty if such an election had taken place whilst Samoa was still held by two rival Chiefs at war with one another. He recognized the amicable character of Sir E. Malet's proposal to the principle involved in which he had no objection, and he suggested that it should be referred to the Committee of Revision.

Sir E. Malet expressed his satisfaction at the kind reception accorded to his proposal by the Plenipotentiaries of the other two Powers.

The proposal was accordingly referred to the Committee of Revision.

Count Bismarck proposed now to consider the question which had been referred

back to the Sub-Committee at the last meeting, namely, the nationality and mode of appointment of the Executive Representative to act as Adviser to the Samoan Government.

Dr. Krauel stated that the Sub-Committee had reconsidered this subject, but had not been able to come to any decision, as they understood that some further proposal was likely to be made to the plenary Conference upon the point in question.

Mr. Phelps said that he had felt it his duty to call the attention of the Sub-Committee to the fact that he had learned that the United States' Government, while recognizing some of the advantages of a single Adviser, would much prefer two Advisers. The Sub-Committee, as Dr. Krauel had said, thought the consideration of this proposal to be beyond their powers, and it was therefore now brought before the Conference.

The two Advisers would be selected by the three Powers, and would be of different nationalities from each other and from the Judge. When the two agreed, their decision would be final; where they disagreed, the decision would be left to the Judge. Neither Adviser could be President of the Municipal Board of Apia, and the Board would meet to elect its own President. As their agreement would give the Advisers absolute control within their own sphere, the tendency of the plan was to induce them to harmonize their views, and thus to avoid yielding control to the Judge.

They would soon learn that it was preferable not to quarrel.

Baron Holstein inquired which of the two systems proposed would be the less expensive.

Mr. Phelps admitted that the system of one Executive Officer would certainly be cheaper; but he thought that if there were two such officers, they might receive smaller salaries, say, 2,000 or 3,000 dollars.

Count Bismarck did not think that it would be feasible to find trustworthy officials for such posts in those distant parts of the globe at so low a salary as 3,000 dollars.

Sir E. Malet said that he had heard with regret this new proposal of the United States' Plenipotentiaries, which appeared calculated to alter an entire scheme which the Conference had been on the point of completing. He thought that the present view of the United States' Government might be founded on an incomplete knowledge, as the whole scheme elaborated by the Conference had not been before them. He trusted that the Government would reconsider the scheme as a whole, in which event he felt confident that they would recognize in it a happy expedient for the avoidance of disputes between the Representatives of the three Powers. It might be that the wish of the United States' Government was consequent on the assignment of the nomination of the Chief Justice of Samoa to the Lord Chief Justice of England, that they, therefore, were of opinion that a German and an American should also hold positions of influence in the Samoan Government. If that were so, he must repeat that that arrangement was agreed to by Her Majesty's Government as a concession in order to solve difficulties, and that, in agreeing, they repudiated all responsibility for the acts of the Chief Justice, and all representation on his part of the British Government.

He inquired whether in the event of a disagreement between the Adviser nominated by the German Government and the one nominated by the United States, if it were proposed that they were to refer to the Chief Justice for his decision, the latter would not be compelled to side with one or other of the Advisers, viz., with an American or with a German Adviser. Such a measure would reintroduce the system of decision by majorities.

This system, as he was instructed, could not be admitted by his Government; it was one which would revive all the former difficulties and jealousies in Samoa, and would perpetuate the troubles which it was the principal object of the Conference to allay. He would therefore propose that the Committee of Revision should complete the drawing up of the General Act on the lines previously agreed to as a preliminary to the consideration of the alternative scheme.

Mr. Phelps admitted the justice of Sir E. Malet's observations, in as far as, if there were two Advisers, whilst the Judge would in all probability be an Englishman, he thought that the three Powers in choosing two Advisers would be apt to select an American and a German.

Count Bismarck fully agreed with the remarks of Sir E. Malet, and he trusted that when the Final Act came before the United States' Government they would find the whole scheme to be acceptable. Meanwhile, if it were so desired, the new proposal might be laid before the United States' Government as an alternative suggestion, and the final form to be adopted might be reserved until they had expressed their opinion thereupon. He considered it advisable to provide the Samoans with as few officials as possible, owing

to the difficulty of providing salaries for them. The natives might be unable or unwilling to pay two Executive Officers, and if the three Governments had to pay them, as well as their own Consuls, a large item of expenditure would be created.

In his opinion, the question of Sir E. Malet was most reasonable; and if the United States' Government were not willing to accept the proposal, the matter might be arranged later between the three Powers.

Mr. Phelps admitted that in view of the disfavour with which his proposal had been received, it would be unwise on his part to press it further upon the Conference. He would therefore accept Sir E. Malet's proposal, and leave the matter for final decision at a later period. He only desired to add that if the system of two Advisers were accepted, it was the opinion of his Government that they would be efficient in protecting the interests of foreigners, and that the United States' Government would therefore be willing to pay one-third of all official expenditure thus incurred.

He suggested that the Conference might proceed to consider the method of appointment of the Executive Officer, in case only one should be chosen; and he suggested, in the interests of all and as very satisfactory to his own Government, that the appointment might best be conferred upon a Dutch or Swiss subject, on the nomination of some neutral Power—for example, the nomination may be made by the President of the Swiss Republic.

Mr. Scott was of opinion that the Swiss Government were not sufficiently acquainted with the interests of distant Colonies to enable them to make such nominations.

Count Bismarck agreed with Mr. Scott: he was glad that Mr. Phelps had been able to meet more than half-way the views expressed by other Plenipotentiaries, and he proposed that the point at issue should be referred to the Committee of Revision for examination by them in its present form.

This proposal was adopted.

Mr. Scott said that he did not desire to ask the Conference to undo any of the work which it had already completed, but there was one recommendation of the Sub-Committee, of which he had been a member, which had been sent to the Committee of Revision in an admittedly incomplete form. He alluded to that concerning the composition of the Municipal Council. In the third sitting of the Conference he had explained the origin of this recommendation, and the suggestion which he had made on that occasion for some provision to secure an equal representation of the natural divisions of the municipal district had, he thought, met with a certain measure of general approval on the part of the Conference; but he understood that the Committee of Revision had not as yet been able to give effect to it.

He believed that the German Plenipotentiaries found themselves unable to support the proposal for a division of the Municipality into two or three wards unless all the members of the proposed Council were elected, and the proposal for three Consular nominees were abandoned.

He therefore desired to suggest the following alternative scheme for the composition of the Municipal Council, which he hoped would meet the views both of the German and American Plenipotentiaries:—

1. To amend the original proposal of the Sub-Committee by the suppression of the three Consular nominee members of the Municipal Council, and by providing instead that all six members shall be elected: three of them by ratepayers resident in the district lying to the west of the Mulivai River, and three by ratepayers resident in that part which is situated to the east of the said river.

2. To add to the original proposal in its amended form the following words:—

"All Regulations passed by this Council under Article of this Act, before becoming law, shall be referred to the Consular Representatives of the three Treaty Powers, sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them. Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by them not be accepted by a majority of the full Municipal Council, then the Regulations in question shall be referred for final decision to the Chief Judicial Officer of the Samoan Government."

He added that, in his opinion, such a scheme, in addition to securing an equal attention to all the local wants and interests of the municipal district, would also have the advantage of minimizing the danger of rivalry and jealousies which would be likely to arise in the Municipal Council itself if half the members held their seats by appointment and half by election.

The desire of the United States' Plenipotentiaries to give the Consuls some influence in the Municipal Government would be better satisfied by allowing them to exert it whilst

sitting apart in a clearer and more independent atmosphere than that of the Council-room.

Mr. Kasson believed it to be the opinion of the Committee of Revision that it was not advisable to create too elaborate a machinery for simple working purposes. It would be better to define and limit the powers of the Municipal Council, and then trust to its discretion, subject to the revision and sanction of the Chief Justice. In this manner it might be expected that the Ordinances and Regulations drawn up by the Council would be found to be just and reasonable, whilst the superintendence of the Chief Justice would prevent any extravagant action on the part of the Municipal Board.

He was well aware that topographical distribution must be taken into account in the formation of a Municipal Council; this was everywhere the case, and he approved the suggestion. Therefore, if the lines of demarcation had been well ascertained by the experts, he agreed that the members of the proposed body should belong to different districts.

Count Bismarck observed that it might be left for consideration in a Committee to examine what electoral system would suit best the local wants.

Mr. Phelps proposed that the subject should be referred to the Committee of Revision.

Sir E. Malet suggested that it should rather be referred back to the Sub-Committee, giving them power to come to a decision, and to submit the same to the Committee of Revision.

This proposal was accepted.

Mr. Phelps asked permission to revert to certain views expressed by Count Bismarck at the beginning of the session, that he might state that the silence of the American Plenipotentiaries was not to be construed as assenting to those views, except as they expressed an indignation at the atrocities mentioned, with which the United States heartily sympathised.

Happily, the assent of the Conference to Sir E. Malet's proposition made the question of who among the natives was responsible for these atrocities a mere academic question, and the subject need not therefore be further pursued.

The Conference adjourned at 4·10 P.M.

(Signed) JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.
EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.

Certified to be a true copy of the original Protocol:
(Signed) W. N. BEAUCLERK.
STEINRICH.

No. 36.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—
(*Received May* 30, 8 A.M.)

(Telegraphic) *Berlin, May* 29, 1889.

THE General Act was passed *ad referendum* at the sitting of the Conference to-day, and its deliberations were for the present suspended.

The United States' Plenipotentiaries expressed their hope of obtaining by the end of next week a reply from their Government, to whom they were sending by telegraph the Act *in extenso*. We will forward to your Lordship, by post to-morrow, the Act as finally revised.

No. 37.

Sir E. Malet to the Marquis of Salisbury.—(*Received May* 31.)

My Lord, *Berlin, May* 29, 1889.

I HAVE the honour to transmit to your Lordship herewith two copies of the Protocol of the sixth session of the Conference on Samoan affairs, which was signed by the Representatives of the three Powers to-day. Additional copies will be sent to your Lordship by next messenger.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 37.

Conference respecting Samoan Affairs.

Sixth Session.—May 27, 1889, 3 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the fifth meeting, held on Wednesday, the 22nd May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck said that the Conference would see with satisfaction that the project of the General Act had been completed and laid before the Plenipotentiaries by the Committee of Revision.

His Excellency proposed at once to consider the said project with a view to the discussion of its various sections, and proceeded to read as follows:—

"*Project of the General Act of the Samoan Conference.*

"His Majesty the Emperor of Germany, King of Prussia, the President of the United States of America, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

"Wishing to provide for the security of the life, property, and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with, the islands of Samoa; and desirous at the same time to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887; and have named for their present Plenipotentiaries the following:

"His Majesty the Emperor of Germany, King of Prussia:

"Count Bismarck, Minister of State, Secretary of State for Foreign Affairs,

"Baron Holstein, Actual Privy Councillor of Legation,

"Dr. Krauel, Privy Councillor of Legation;

"The President of the United States of America :
"Mr. John A. Kasson,
"Mr. William Walter Phelps,
"Mr. George H. Bates;
"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India:
"Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia,
"Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation,
"Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe ;

"Who, furnished with full powers which have been found in good and due form, have successively considered and adopted :—

"I. A Declaration respecting the independence and neutrality of the islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.

"II. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.

"III. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

"IV. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.

"V. A Declaration respecting the municipal district of Apia, and providing a local Administration therefor.

"VI. A Declaration respecting taxation and revenue in Samoa.

"VII. A Declaration respecting arms and ammunition and intoxicating liquors, restraining their sale and use.

"VIII. General dispositions.

"ARTICLE I.—*A Declaration of the Independence and Neutrality of the Islands of Samoa, and assuring to their respective Citizens and Subjects equality of Rights in said Islands ; and providing for the immediate Restoration of Peace and Order therein.*

"It is declared that the islands of Samoa are neutral territory, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King, and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

"It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare ; and his successor shall be duly elected according to the laws and customs of Samoa."

With respect to the wording of the preamble of Article I, *Dr. Krauel* suggested a verbal alteration, which was supported by *Mr. Bates*, and upon explanations furnished by *Mr. Kasson*, it was agreed that the said preamble should be worded :—

"Article I. A Declaration of the independence and neutrality of the islands of Samoa, and assuring to the respective citizens and subjects of the Signatory Powers equality of rights in said islands, and providing for the immediate restoration of peace and order therein."

Count Bismarck proceeded to read :—

"ARTICLE II.—*A Declaration respecting the Modifications of existing Treaties, and the Assent of the Samoan Government to this Act.*

"Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing

between the three Powers respectively and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such Treaty or Treaties, the provisions of this Act shall prevail.

"Considering further that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments through the medium of their respective Consuls in Samoa.

"ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.*

"Section 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees, to be regulated by order of the Court.

"Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice may be named by the Lord Chief Justice of England, and shall be of English professional experience. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

"His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination as herein provided. He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

"Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

"Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act; and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

"Sec. 5. The Chief Justice is authorized at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

"Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election of King, or other native authority, or respecting the validity of the powers which they may claim in the exercise of their office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict herewith; and the Signatory Governments will accept and abide by such decision.

"Sec. 7. In case any difference shall arise between either of the three Treaty Powers and Samoa which they shall fail to adjust by mutual accord such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

"Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime, and for the promotion of good order in Samoa outside the municipal district; and for the collection of taxes without the district.

"Sec. 9. After the organization of the Supreme Court, civil litigation arising in Samoa outside the municipal district, in which a Samoan native shall be of one party and a foreigner of the other party, shall be transferred from the Consuls, and shall come within

the jurisdiction of the Supreme Court. Crimes and offences occurring outside the municipal district, committed by natives against foreigners, or by foreigners against natives, shall also come within the jurisdiction of the Supreme Court, and shall be punished in accordance with the practice of civilized nations.

"Sec. 10. The jurisdiction over civil matters arising and crimes and offences committed within the municipal district of Apia which has heretofore been exercised by the Consuls of the respective Treaty Powers shall, after the civil organization of the Municipality as hereinafter provided shall be completed, be transferred to and assumed by the Judicial Tribunals within the said district."

Article II was adopted.

With regard to Article III, *Mr. Bates* inquired, with reference to section 3, what would be considered sufficient cause for the removal of the Chief Justice, and whether he could be removed at the request of a majority of the three Treaty Powers—with or without sufficient cause.

Sir E. Malet supposed that there would be no proposal for the removal of the Chief Justice without sufficient cause.

Mr. Bates objected to the provision permitting the removal of the Judge upon the simple request of a majority of the three Treaty Powers. He thought the provision unwise, since no such man as it is hoped by all may be selected for this dignified position would be likely to accept any office from which he might be removed without cause at the will of two of the Powers. He would not object to a removal by the joint action of the three Powers, and that ought to be readily secured in any case which would warrant such summary action.

Mr. Kasson thought it better that the clause should remain as it stood. Special occasions might arise in which the delay for the trial of the question in England would be very injurious. It could hardly be supposed that any two of the Powers would unite in so serious a step without the most unquestioned cause for such action. The Government of the nationality of the Judge might hesitate where the other two Powers would be satisfied. It was thought best to have this authority, although not likely to be exercised, as a sort of security against possible partiality.

Sir E. Malet suggested that it would be advisable to make provision for supplying the place of the Chief Justice in case of his death, or inability to continue the exercise of his functions.

Mr. Scott understood that in all British possessions care was taken that the course of justice should never be suspended, and he considered a similar precaution most necessary when establishing a Court of Justice to which, according to sections 9 and 10 of the Article under consideration, it was proposed to transfer an important part of the jurisdiction now vested in the Consuls of the three Powers.

Mr. Crowe agreed with the observation made by Mr. Scott.

Count Bismarck thought that in case of necessity the minor functions of the Chief Justice might be delegated to the Consuls during the interval which must elapse before the arrival of his successor, subject to revision by the incoming Chief Justice. It was, however, hardly requisite to provide beforehand for all such emergencies.

Mr. Scott indicated certain cases in which a serious defect of justice might occur if no provision were made for a temporary substitute to carry on the business of the Court in case of the Judge's death.

Count Bismarck suggested that the Executive Officer might be charged with these functions during a limited period of vacancy in the office of Chief Justice—say for three months. Or the three Powers might agree to exchange views with the purpose of nominating a substitute until a successor should be appointed.

Mr. Scott was of opinion that the Chief Justice might appoint his substitute during his own lifetime.

This suggestion was adopted.

Count Bismarck referred to section 6 of Article III, the provisions of which he considered should be revised, especially as regarded the words, "such question shall not lead to war."

Mr. Kasson explained that the Committee of Revision had desired to lay down the rule that the local Chieftains should no longer resort to fighting for the purpose of settling local rivalries, as, for instance, between the Heads of tribes, and about conflicting claims among themselves.

Sir E. Malet proposed that the words "civil war" should be used.

Baron Holstein agreed with the suggestion of Sir E. Malet.

Mr. Bates objected to the words, "other native authority." The object of the

section—the prevention of civil war—was secured by referring to an impartial Tribunal the election of the King, or Chief Executive Officer, by whatever name called. The project as originally drawn placed the election of "King, Vice-King, or Chief" under the jurisdiction of the Chief Justice. The change had not disposed of the objection to that language. To permit foreign interference with the selection of a Chief other than the Supreme Ruler would violate the principle laid down at the outset, and would foment rather than compose civil disorder.

Civil war in Samoa had heretofore arisen only from differences about their chief Rulers. There was no need of foreign interference about other Chiefs. When any differences arose about the selection or authority of their minor Chiefs, they had a summary—and to them satisfactory—method of settling such disturbances.

It was agreed that section 6 should run as follows:—

"Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election of King, or other Supreme Chief, or respecting the validity of the authority which he or any Chief may claim in the exercise of his office, such question shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act, and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision."

Mr. Bates called attention to the fact that, although in section 7 there was a provision for arbitrating differences between any one of the Treaty Powers and Samoa, there was no agreement on the part of the Signatory Powers that they would respectively accept and abide by the result of such arbitration. Whatever is meant should be expressed, and no room left for future misunderstandings.

Sir E. Malet, *Mr. Kasson*, *Count Bismarck*, and *Mr. Phelps* were of opinion that the clause admitted of no ambiguity, and they would prefer to let it remain as it stood in the text.

Mr. Kasson referred to sections 9 and 10 of Article III, which he understood to be a logical sequence to a complete system of justice in Samoa. The three Governments would perhaps like to retain a fuller Consular jurisdiction; but the system proposed was considered as a natural and proper complement of the system of civilized Tribunals now established for Samoa. Consular judicial functions should pass over to the Courts of civilization, as they do in civilized countries.

Causes would be tried as in other civilized Courts.

The sections in question were intended merely to be taken as suggestions for the sanction of the respective Governments.

Count Bismarck inquired, if crimes were committed by foreigners against other foreigners under no Consular jurisdiction, to what Tribunal would they at the present time be amenable?

Mr. Kasson stated that there was no Court to try such cases.

Count Bismarck suggested that power might be given to the Chief Justice to decide such cases.

Sir E. Malet considered it an important matter to put a stop to the present unsatisfactory state of things in this respect, since it appeared from what had been said that some foreigners under no Consular jurisdiction were not amenable to any Court of Justice.

Count Bismarck fully agreed with Sir E. Malet, that it was an important matter to settle this question.

Mr. Kasson said that any civilized Tribunal, if duly established and recognized by the Treaty Powers, would, in his opinion, be sufficient to meet such emergencies.

Mr. Scott doubted whether his Government would be prepared, at least for the present, to transfer to the proposed Chief Justice or to the Municipal Tribunal the full extent of jurisdiction over British subjects contemplated by sections 9 and 10.

Dr. Krauel made the suggestion that some similar system might be adopted as that in force for the Mixed Tribunals in Egypt. It was very valuable to further local jurisdiction, and all possible extension should be given thereto. He was in favour of extending the jurisdiction of the Supreme Court to criminal cases in which natives or foreigners under no Consular jurisdiction were the offenders. The Supreme Court should also be competent in all civil causes relating to real property; otherwise the provisions relating to the Land question would be incomplete.

It would be, however, essential that the Consuls should retain jurisdiction between people of their own nationality.

Count Bismarck proposed to alter section 9 as follows:—

"Sec. 9. After the organization of the Supreme Court, civil litigation arising in Samoa outside the municipal district, in which a Samoan native shall be of one party and

a foreigner of the other party, shall be transferred from the Consuls, and shall come within the jurisdiction of the Supreme Court. Crimes and offences occurring outside the municipal district committed by natives against foreigners, or by foreigners not exempt from local jurisdiction, shall also come within the jurisdiction of the Supreme Court, and shall be punished in accordance with the practice of civilized nations, or according to Samoan custom as far as natives are concerned."

His Excellency further suggested that all cases should be referred to the Consuls where their own countrymen were concerned, excepting in land disputes, which should be decided by the Chief Justice.

This question was unanimously agreed to in principle, and sections 9 and 10 were referred to a Sub-Committee, consisting of Mr. Phelps, Mr. Scott, and Dr. Krauel, for further consideration.

Count Bismarck read:—

"ARTICLE IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

"Section 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

"(*a.*) Town lots and lands within the limits of the municipal district, as defined in this Act may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa."

Mr. Kasson suggested a short addition to No. 1 (*a*), in order to prevent the mortgaging by natives of the produce of their lands, viz., "and all mortgages of produce of land prior to its removal shall be prohibited."

Mr. Scott proposed that all mortgages should be registered.

Count Bismarck believed that it was the unanimous desire of the Conference to recommend to the Samoan Government and to the Chief Justice that every possible precaution should be taken to prevent the natives from mortgaging the produce of their lands: he agreed with Mr. Scott's remark, and thought it would meet the views of the Conference, and that it is as well as Mr. Kasson's suggestion would appear in the Protocol.

The Resolution proposed by the President was adopted by all the Plenipotentiaries; and his Excellency continued to read:

"(*b.*) Agricultural lands in the islands may be leased for a just consideration and with carefully defined boundaries for a term not exceeding forty years, when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

"But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

"Sec. 2. In order to adjust and settle all claims by aliens of titles to land or any interest therein in the islands of Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three Treaty Powers; to be assisted by an officer to be styled Natives' Advocate, who shall be appointed by the Chief Executive of Samoa with the approval of the Chief Justice of Samoa.

"Each Commissioner shall receive during his necessary term of service a compensation at the rate of 300 dollars per month, and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the Treaty Powers.

"The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

"Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner."

Mr. Bates thought the compensation of the Natives' Advocate should be paid by the Powers, and not put upon Samoa. He was a part of the machinery for settling land titles

which had been made necessary by the disputes of foreigners concerning land purchases. For this reason, it had been deemed proper that the expense of the Commission should not be imposed upon the Samoan Government. The Natives' Advocate was considered a necessary adjunct of the Commission, because a native representation upon the Commission was deemed impracticable. He therefore should be paid in the same manner as the Commissioners.

Baron Holstein considered that the Natives' Advocate should be paid by the natives themselves.

Count Bismarck thought it would be better to leave the wording as it stood, for he felt sure that the German Government would not be inclined, on principle, to pay the salary of the Natives' Advocate.

His Excellency then read—

"Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim, and all written evidence thereof, within four months from such notice, for the purpose of examination and registration, and that all claims not so presented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has, after due diligence, been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

"The labours of the Commission shall be closed in two years, and sooner if practicable.

"Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

"They shall especially report—

"(*a.*) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

"(*b.*) Whether it was for a sufficient consideration.

"(*c.*) The identification of the property affected by such sale or disposition.

"Sec. 5. The Commission, whenever the case requires it, shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

"Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

"Undisputed claims, and such as shall be decided valid by the unanimous voice of the Commission, shall be confirmed by the Court in proper form in writing, and be entered of record.

"Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

"Sec. 8. All lands acquired before the 28th day of August, 1879, being the date of the Anglo-Samoan Treaty, shall be held as validly acquired, but without prejudice to rights of third parties, if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court."

Count Bismarck asked whether the words "for a valuable consideration" were not too elastic in their meaning, and wished that, in order to facilitate the task of the Judge, they should be modified in order to make it clear that the word "customary" in the next line meant that the land had been purchased at rates customary at the time of acquisition.

It was agreed that "rates customary at the time of acquisition" should be considered as the meaning of the words "for a valuable consideration," and that this should be inserted in the Protocol.

Count Bismarck read:—

"Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

"Sec. 10. In cases where land acquired in good faith has been improved or cultivated

upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum to be ascertained by the Commission and approved by the Court as equitable and just.

"Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

"(*a.*) Claims based upon mere promises to sell, or options to buy.

"(*b.*) Where the deed, mortgage, or other conveyance contained at the time it was signed no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

"(*c.*) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

"(*d.*) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of fire-arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan Law of the 25th October, 1880, or contrary to the Municipal Regulations of the 1st January, 1880.

"Sec. 12. The Land Commission may at its discretion through the Local Government of the district in which the disputed land is situated appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission, to be by them reported to the Court.

"ARTICLE V.—*A Declaration respecting the Municipal District of Apia, and providing a Local Administration therefor.*

"Section 1. The municipal district of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river upwards to the point at which the Alafuala Road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago; and thence in a straight line to the point beginning at Vailoa, embracing also the waters of the harbour of Apia.

"Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

"Each member of the Council shall be a resident of the said district and owner of real estate or conductor of a profession or business in said district, which is subject to a rate or tax not less in amount than 5 dollars per annum.

"For the purpose of the election of members of the Council, the said district shall be divided into two or three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

"It shall be the duty of the Consular Representatives of the three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors, or the number and location of electoral districts, may be provided for by Municipal Ordinance.

"The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

"In the absence of the President, the Council may elect a Chairman *pro tempore*.

"Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

"Sec. 3. The Municipal Council shall have jurisdiction over the municipal district of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to the said district, including the appointment of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said district of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said district and not in conflict with this Act, including Sanitary and Police Regulations. They shall establish pilot charges, port dues, quarantine and other Regulations of the port of Apia, and may establish a postal system. They shall also establish the fees and charges allowed to Magistrates and other civil officers of the district excepting Clerk and Marshal of the Supreme Court.

"All Ordinances, Resolutions, and Regulations passed by this Council, before becoming law, shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

"Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the Regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa."

With regard to the establishment of a postal system various suggestions were made, and it was agreed to insert the word "local" before "postal system."

Count Bismarck read:—

"Sec. 4. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by and appointed by the Samoan Government upon certificate of such nomination.

"He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order, and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

"He shall receive an annual compensation of 5,000 dollars, to be paid the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

"He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly Reports of his receipts and disbursements to the King and to the Municipal Council.

"He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the Laws and Ordinances applicable to the municipal district of Apia."

Mr. Kasson asked that this Article might be passed for future consideration, as the American Plenipotentiaries were not prepared to act finally upon it without further instructions from their Government.

The Conference, in deference to Mr. Kasson's wish, agreed to pass over section 4 at present, and to reserve it to future consideration.

Count Bismarck read:—

"Sec. 5. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the Local Government of the municipal district, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

"ARTICLE VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

"Section 1. The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination."

Count Bismarck, whilst agreeing with the purport of this section, feared lest its wording might lead to misunderstanding, and suggested that it should be precisely stated that it referred only to coals and naval stores for Government purposes.

Mr. Kasson only desired to preserve intact the rights secured to his Government by its Treaty.

Mr. Bates asked if he had correctly understood the President's suggestion for

alteration to be to change the last clause of the section so as to read: "but coal and naval stores imported by any of the Governments under Treaty stipulations in the harbour reserved by Treaty for its use may be landed free of duty without entry or examination."

Count Bismarck said that the addition, "for Government purposes," would correctly state his view, and suggested that it be substituted.

Mr. Kasson observed that his instructions did not permit him to consent to any provision which should impair or modify the plain rights of the United States in the harbour of Pago Pago. The clause as found in the Project was carefully drawn by him to preserve those rights intact as they existed by virtue of the Treaty.

If any of these articles so imported should afterwards pass from Government's control into private ownership, and then be removed for consumption or sale in Samoa, he had no objection to the application of the statistical import duty to such goods.

Count Bismarck thought that a limitation to the clause should be added, and while considering that the last proposal was much to the point, it appeared from Mr. Kasson's first remark that a misunderstanding had arisen as to the observation made with respect to private importation which was not intended in any way to affect the rights acquired by Treaty by the three Powers.

Mr. Kasson still thought it unwise to make any change in the present section, for the reasons already mentioned. But the qualification about such importations when removed for consumption in the islands as private property might be inserted elsewhere.

Count Bismarck pointed out that the clause read by Mr. Bates would appear in the Protocol, and summed up the unanimous opinion in the following words:—

"If any articles so imported should afterwards pass from Government control into private ownership, and be introduced for sale or consumption into other parts of the islands, they shall be subject to the statistical import duty as in the case of private merchandize imported."

Count Bismarck read:—

"Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or oreigners: —

"(A.)—Import Duties.

	Dol. c.
"1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	1 00
4. On sparkling wines, per gallon	1 50
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On sporting arms, each	4 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid, *ad valorem*	2 per cent.

"(B.)—Export Duties.

"On copra, *ad valorem*	2½ per cent.
On cotton, „	1½ „
On coffee, „	2 „

"(C.)—Taxes to be annually levied.

	Dol. c.
"1. Capitation tax on Samoans and other Pacific islanders not included under No. 2, per head	1 00
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	4 00
4. On fire-arms, each	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purposes, *ad valorem*	1 per cent.

6. Special taxes on traders as follows:—	Dol. c.
Class I—	
On stores of which the monthly sales are 2,000 dollars or more, each store	100 00
Class II—	
Below 2,000 dollars and not less than 1,000 dollars	48 00
Class III—	
Below 1,000 dollars and not less than 500 dollars	36 00
Class IV—	
Below 500 dollars and not less than 250 dollars	24 00
Class V—	
Below 250 dollars	12 00

"(D.)—Occasional Taxes.

"1. On trading vessels exceeding 100 tons burden, calling at Apia, at each call..	10 00	
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid	½	per cent.
3. Upon other written transfers of property, upon the selling price	1	„
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.		
4. Unlicensed butchers in Apia shall pay upon their sales	1	„

"(E.)—Licence Taxes.

"No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance:—

	Dol. c.	
Tavern keeper	10 00	per month.
Attorney, barrister, or solicitor	60 00	per annum.
Doctor of medicine or dentistry	30 00	„
Auctioneer or commission agent	40 00	„
Baker	12 00	„
Banks or companies for banking	60 00	„
Barber	6 00	„
Blacksmith	5 00	„
Boat-builder	6 00	„
Butcher	12 00	„
Cargo-boat or lighter	6 00	„
Carpenter	6 00	„
Photographer or artist	12 00	„
Engineer	12 00	„
„ assistants	6 00	„
„ apprentices	3 00	„
Hawker	1 00	„
Pilot	24 00	„
Printing press	12 00	„
Sailmaker	6 00	„
Ship-builder	6 00	„
Shoemaker	6 00	„
Land surveyor	6 00	„
Tailor	6 00	„
Waterman	6 00	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	3 00	„
Same, when paid over 75 dollars a-month	6 00	„
White labourers and domestics, per head	5 00	„
Factory hands and independent workmen	5 00	„

"Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the municipal district, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the municipal district exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the municipal administration as provided by this Act.

"Sec. 4. It is understood that 'dollars' and 'cents,' terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

"ARTICLE VII.—*A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.*

"Section 1.—*Arms and Ammunition.*

"The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:—

"(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the President of the Municipal Council.

"(*b.*) Small arms and ammunition carried by travellers as personal appanage.

"The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific islander resident in Samoa is also prohibited.

"Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order.

"Section 2.—*Intoxicating Liquors.*

"No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan, or South Sea islander resident in Samoa, to be taken as a beverage.

"Adequate penalties, including imprisonment, for the violation of the provisions of this Article, shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the islands."

It was suggested by Count Bismarck to add at the end of section 1 the words, "under proper restrictions or control."

Mr. Bates said that there could be no right to deprive the Samoan Government of the use of arms for its defence unless they were guaranteed against war. It would not do to take away their means of self-protection unless at the same time they were effectually secured from foreign aggression. Count Bismarck having interposed the remark, that he did not see the possibility of any foreign aggression after the three Treaty Powers had agreed to act in concert with reference to the affairs of the Samoan Islands and to recognize their neutrality, Mr. Bates said that was just what he had called attention to in connection with Article III. The Conference declared against war, but did not make its declaration effectual. The Powers have no moral right to interfere with the natural right of the Samoan Government to have arms unless they are willing effectually to prevent any use of force against Samoa or Samoans.

Mr. Kasson pointed out that it would be difficult to define the restrictions which had been suggested, as no one could deny to the Samoans the right of self-government and self-defence. It would be difficult to allow foreigners to import arms, and at the same time to deny this privilege to the Samoan Government.

Count Bismarck suggested the words, "under restrictions to be hereafter agreed upon by the three Powers."

It was suggested by *Mr. Phelps* that all importation of arms for the use of the Samoan Government should be reported through the Consular Board.

Count Bismarck considered it necessary to place a certain limit upon this importation of arms, as it seemed to him to constitute a dangerous element for the natives.

Mr. Kasson remarked that the question could hardly as yet be fully considered. It was perhaps as dangerous to allow arms to foreigners as to give them to natives.

He would add the following at the end of section 1:—

"But all such arms and ammunition shall be entered at the Customs (without payment of duty), and reported by the President of the Municipal Council to the Consuls of the three Treaty Powers.

"The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa."

This proposal was accepted.

Count Bismarck read:—

"ARTICLE VIII.—*General Dispositions.*

"Section 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers, with the adherence of Samoa.

"Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of months from the date of its signature.

"In the meantime, the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

"Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

"Ratifications shall be exchanged by the usual diplomatic channels of communication.

"The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government."

His Excellency proposed to make the term for the ratification of the General Act ten months, and expressed a hope that it would be ratified as soon as possible within that term.

This proposal was accepted, and the Conference adjourned at 6 P.M.

No. 38.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received May* 31.)

My Lord, *Berlin, May* 29, 1889.

WE have the honour to transmit herewith the draft of the General Act of the Samoan Conference, with marginal notes,* showing the result of the seventh session of the Conference, which was held to-day to consider it.

Printed copies will be forwarded to your Lordship as soon as we receive them from the Secretaries of the Conference.

We have, &c.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

Inclosure in No. 38.

Appendix to Protocol of the Seventh Session.

Project of the General Act of the Samoan Conference.

HIS Majesty the Emperor of Germany, King of Prussia, the President of the United States of America, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

Wishing to provide for the security of the life, property, and trade of the citizens and subjects of their respective Governments residing in or having commercial relations with the islands of Samoa, and desirous at the same time to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887, and have named for their present Plenipotentiaries the following:

His Majesty the Emperor of Germany, King of Prussia, Count Bismarck, Minister of State, Secretary of State for Foreign Affairs; Baron von Holstein, Actual Privy Councillor of Legation; Dr. Krauel, Privy Councillor of Legation;

* Printed in *italics.*

The President of the United States of America, Mr. John A. Kasson, Mr. William Walter Phelps, Mr. George H. Bates;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia; Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe;

Who, furnished with full powers, which have been found in good and due form, have successively considered and adopted:—

1. A Declaration respecting the independence and neutrality of the islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.

2. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.

3. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

4. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto and for the registration of valid titles.

5. A Declaration respecting the municipal district of Apia, providing a local Administration therefor, *and defining the jurisdiction of the Municipal Magistrate.*

6. A Declaration respecting taxation and revenue in Samoa.

7. A Declaration respecting arms and ammunition and intoxicating liquors, restraining their sale and use.

8. General dispositions.

ARTICLE I.—*A Declaration respecting the Independence and Neutrality of the Islands of Samoa, and assuring to the respective Citizens and Subjects of* the Signatory Powers *equlity of rights in said Islands; and providing for the immediate Restoration of Peace and Order therein.*

It is declared that the islands of Samoa are neutral territory in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King, and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II.—*A Declaration respecting the Modification of existing Treaties, and the Assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing between the three Powers respectively and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such Treaty or Treaties, the provisions of this Act shall prevail.

Considering, further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments through the medium of their respective Consuls in Samoa.

ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.*

Section 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal

of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees, to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice may be named by the Lord Chief Justice of England, and shall be of English professional experience. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination as herein provided. He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Conncil, until a successor shall be duly appointed and qualified.

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act; and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorized at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election *or appointment* of King or *of any other Chief claiming authority over the islands;* or respecting the validity of the powers which *the King or any Chief* may claim in the exercise of *his* office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime, and for the promotion of good order in Samoa outside the municipal district; and for the collection of taxes without the district.

Sec. 9. Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction—

1. *All civil suits concerning real property situated in Samoa, and all rights affecting the same.*

2. *All civil suits of any kind between natives aud foreigners, or between foreigners of different nationalties.*

3. *All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any Consular jurisdiction; subject, however, to the provisions of section 4, Article V, defining the jurisdiction of the Municipal Magistrate of the district of Apia.*

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administ..ed in the Courts of England, may be—so far as applicable—the practice and procedure of this Court; but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, England, or of Germany, as the Chief Justice shall decide most appropriate; or in the

case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

ARTICLE IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

Section I. In order that the native Samoans may keep their lands for cultivation by themselves, and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(*a.*) Town lots and lands within the limits of the municipal district as defined in this Act may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa;

(*b.*) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty years, when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land or any interest therein in the islands of Samoa, it is declared that a Commission shall be appointed to consist of three impartial and competent persons, one to be named by each of the three Treaty Powers, to be assisted by an officer to be styled Natives' Advocate, who shall be appointed by the Chief Executive of Samoa with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of 300 dollars per month, and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice, for the purpose of examination and registration; and that all claims not so presented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report—

(*a.*) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

(*b.*) Whether it was for a sufficient consideration.

(*c.*) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879, being the date of the Anglo-Samoan Treaty, shall be held as validly acquired, but without prejudice to rights of third parties, if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(*a.*) Claims based upon mere promises to sell, or options to buy.

(*b.*) Where the deed, mortgage, or other conveyance contained at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(*c.*) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(*d.*) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of fire-arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan Law of the 25th October, 1880, or contrary to the Municipal Regulations of the 1st January, 1880.

Sec. 12. The Land Commission may, at its discretion through the Local Government of the district in which the disputed land is situated, appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission, to be by them reported to the Court.

ARTICLE V.—*A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor,* and defining the Jurisdiction of the Municipal Magistrate.

Section 1. The municipal district of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river upwards to the point at which the Alafuala road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago; and thence in a straight line to the point beginning at Vailoa, embracing also the waters of the harbour of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said district and owner of real estate, or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than 5 dollars per annum.

For the purpose of the election of members of the Council, the said district shall be divided into two or three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof, qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act.

In case they fail to agree thereon, the Chief Justice shall define the electoral districts Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by Municipal Ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President, the Council may elect a Chairman *pro tempore.*

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the municipal district of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said district, including the appointment *of a Municipal Magistrate and of* the necessary subordinate officers of jnstice and of administration therein, and to provide for the security in said district of person and property, for the assessment and collection of the revenues therein as herein authorized, and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said district and not in conflict with this Act, including Sanitary and Police Regulations. They shall establish pilot charges, port dues, quarantine and other Regulations of the port of Apia, and may establish a *local* postal system. They shall also *fix the salary of the Municipal Magistrate and* establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All Ordinances, Resolutions, and Regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the Regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Law, Ordinance, or Regulation passed by the Municipal Council, in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of 200 *dollars, or imprisonment for a longer term than* 180 *days.*

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of 20 *dollars or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.*

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico or Brazil, and nominated by and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order, and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of 5,000 dollars, to be paid, the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly Reports of his receipts and disbursements to the King and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the Laws and Ordinances applicable to the municipal district of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the Local Government of the municipal district, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions,

make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

ARTICLE VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1. The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes, in its discretion, upon the natives of the islands and their property, and *with the consent of the Consuls of the Signatory Powers*, upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners:—

(A.)—IMPORT DUTIES.

	Dol. c.
1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	1 00
4. On sparklirg wines, per gallon	1 50
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On sporting arms, each	4 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid, *ad valorem*	2 per cent.

(B.)—EXPORT DUTIES.

On copra, *ad valorem*	2½ per cent.
On cotton, „	1½ „
On coffee, „	2 „

(C.)—TAXES TO BE ANNUALLY LEVIED.

	Dol. c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head	1 00
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	4 00
4. On fire-arms, each	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purposes, *ad valorem*	1 per cent.
6. Special taxes on traders as follows:—	
Class I—	
On stores of which the monthly sales are 2,000 dollars or more, each store	100 00
Class II—	
Below 2,000 dollars and not less than 1,000 dollars	48 00
Class III—	
Below 1,000 dollars and not less than 500 dollars	36 00
Class IV—	
Below 500 dollars and not less than 250 dollars	24 00
Class V—	
Below 250 dollars	12 00

(D.)—OCCASIONAL TAXES.

	Dol. c.
1 On trading vessels exceeding 100 tons burden, calling at Apia, at each call	10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid	½ per cent.
3. Upon other written transfers of property, upon the selling price	1 „
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.	
4. Unlicensed butchers in Apia shall pay upon their sales	1 „

(E.)—Licence Taxes.

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance:—

	Dol.	c.	
Tavern keeper	10	00	per month.
Attorney, barrister, or solicitor	60	00	per annum.
Doctor of medicine or dentistry	30	00	„
Auctioneer or commission agent	40	00	„
Baker	12	00	„
Banks or companies for banking	60	00	„
Barber	6	00	„
Blacksmith	5	00	„
Boat-builder	6	00	„
Butcher	12	00	„
Cargo-boat or lighter	6	00	„
Carpenter	6	00	„
Photographer or artist	12	00	„
Engineer	12	00	„
„ assistants	6	00	„
„ apprentices	3	00	„
Hawker	1	00	„
Pilot	24	00	„
Printing press	12	00	„
Sailmaker	6	00	„
Ship-builder	6	00	„
Shoemaker	6	00	„
Land surveyor	6	00	„
Tailor	6	00	„
Waterman	6	00	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	3	00	„
Same, when paid over 75 dollars a-month	6	00	„
White labourers and domestics, per head	5	00	„
Factory hands and independent workmen	5	00	„

Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the municipal district, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the municipal district exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the municipal administration as provided by this Act.

Sec. 4. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

Article VII.—*A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.*

Section 1.—*Arms and Ammunition.*

The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:—

(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the President of the Municipal Council.

(*b.*) Small arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; *but all such arms and ammunition shall be entered at the Customs (without payment of duty) and reported by the President of the Municipal Council to the Consuls of the three Treaty Powers.*

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

Section 2.—*Intoxicating Liquors.*

No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan or South Sea islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article, shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the islands.

ARTICLE VIII.—*General Dispositions.*

Section 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers, with the adherence of Samoa.

Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of *ten* months from the date of its signature.

In the meantime, the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

No. 39.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received June* 3.)

(Extract.) *Berlin, May* 31, 1889.

THE Queen having been graciously pleased to commission us as Her Majesty's Representatives at the Conference convened at Berlin for the purpose of considering the affairs of Samoa, we have now the honour to report to your Lordship, for the consideration of Her Majesty's Government, the result of our joint deliberations with the Representatives of His Majesty the German Emperor and of the President of the United States of America.

The Conference has, since the date of its opening on the 29th April, held seven plenary sittings, and in the intervals Sub-Committees have been unremittingly at work, examining details and preparing the materials for discussion. A Final Committee has been occupied in revising and arranging in a consecutive and practical form the points of agreement arrived at, and has embodied the result of our labours in the inclosed draft of a Final Act,* on which we respectfully invite the further instructions of Her Majesty's Government.

This Act, the preamble of which sets forth the objects which our three Governments had in view in consenting to take part in the Conference, consists of eight Articles in the form of Declarations which we have agreed to ask authority to sign on the part of our respective Governments, and to recommend for the subsequent adherence of the Samoan Government.

The first Declaration records a joint acknowledgment by the three Conference Powers of the independence and neutrality of the islands of Samoa, and of the equality of rights of their respective subjects in those islands; it excludes the exercise by any one of the Powers of any separate control over the islands or their Government. This Declaration is in strict accordance with the principles laid down by the President at the first sitting of the Conference, to which our instructions enabled us to give a cordial assent, and the

* Identical with Inclosure in No. 38.

earnest desire manifested by the Plenipotentiaries of all three Powers at every stage of our discussion to adhere scrupulously and loyally to these principles has greatly facilitated the work of the Conference.

The instructions with which your Lordship furnished us in your despatch No. 2 of the 27th ultimo impressed upon us the necessity of devising measures which should lead to the establishment of a firm and stable Government in Samoa, and to the maintenance of tranquillity in those islands; and we trust that these objects, as well as the desire of Her Majesty's Government to see the Samoans governed by the Ruler whom they themselves prefer, will be furthered by the Declaration contained in Article I, providing for the prompt restoration of peace and constituted order in the islands.

Our original instructions contemplated the necessity of a fresh election of a native Ruler, and we were authorized to cordially support any arrangement for securing the free election of a Sovereign. Your Lordship at the same time correctly anticipated that this was a matter likely to give rise to serious discussion in the Conference, as there was a possibility of the liberty of choice being restricted in the view of some of the Powers by considerations arising out of past events.

In order to obviate this difficulty, which we promptly recognized as the only serious one likely to occur in the course of our negotiations, Her Majesty's Plenipotentiaries assumed the responsibility of recommending an alternative mode of supplying the Samoans with a native Ruler of their own choice in the person of Malietoa Saupepa, who, as announced by the President at the first sitting of the Conference, had been set at liberty by a spontaneous act of clemency on the part of the German Emperor, and was at present free to return to his native country. This proposal, which fully corresponded to the wish expressed by the United States' Plenipotentiaries for a restoration, if possible, of the *status quo*, met with complete success; and we were gratified by learning from your Lordship's despatch No. 23 of the 22nd instant, that it has already met with the approval of Her Majesty's Government.

We indulge the hope that its adoption will largely contribute to the restoration of internal tranquillity, and to the prevention of further bloodshed in the islands.

The necessity of the Declaration contained in Article II, in order to give validity to the provisions of the proposed International Act, will require no further explanation.

Article III consists of a Declaration establishing a Supreme Court of Justice for Samoa, and defining its jurisdiction, while Article IV deals with the question of land, titles, and claims, and restrains the future disposition by the natives of land to foreigners.

The necessity of some authoritative determination of conflicting land titles in Samoa, and the expediency of creating under Treaty sanction a Tribunal strong and impartial enough to undertake this task in a manner satisfactory to the different nationalities concerned, were points to which your Lordship earnestly directed our attention. We believe that a careful examination of the machinery and rules provided for the investigation and equitable adjustment of land claims in the islands will satisfy Her Majesty's Government that we have been able to secure thorough inquiry in a spirit of fairness and equity into all land transactions of whatever date, to protect all rights acquired in an honest and regular way, and to provide equitably for any competing claims, whether of natives or foreigners, which may be to a greater or less extent deserving of considea ton.

The provision for the future registration of all valid land titles held by foreigners we regard as a useful safeguard against the recurrence of similar land disputes, and the strong desire expressed by the Conference and recorded in the Protocols for a prohibition by the Samoan Government of the injurious native practice of mortgaging communal land and produce in payment of taxes, and for some provision for the due registration of existing mortgages, will, we hope, be given due effect.

It is very gratifying to Her Majesty's Plenipotentiaries to have to record the high tribute paid to the character of the English Bar, and to the guiding principles of English law and equity by the spontaneous expression of a desire on the part of the German and American Representatives to secure for the final decision of these land claims the services of a gentleman of English professional experience to be nominated for the post of Judge by the Lord Chief Justice of England.

As it was clearly understood that the sole object of this provision in Article III is to secure judicial independence, and the equal consideration of the rights of all parties, and that the proposed English Judge is in no sense to be regarded as a representative of nationality engaging the responsibility of Her Majesty's Government, we were authorized by your Lordship to agree to it in principle, and it was then resolved to utilize the services of this Judge in the establishment of a Supreme Court of Justice for Samoa, as it was apparent that a civilized administration of justice was one of the necessary conditions of any system which could be devised for the protection and equal treatment of our

respective subjects and citizens, and their commercial and other interests. We have proposed that, for the present at least, there should be transferred to this Court only so much of the jurisdiction at present vested in the Consular Representatives and Lord High Commissioner as we considered sufficient to enable the Judge to discharge the special functions to be assigned to him under this Act, and to maintain order outside of the municipal district.

In dealing in a subsequent Article with the jurisdiction of the Municipal Magistrate of Apia, over which it is intended that the Supreme Court should exercise a certain amount of appellate jurisdiction, we have also proposed to transfer as much jurisdiction over our subjects and citizens as will enable the Municipal Magistrate to punish all infractions of Municipal Regulations and Bye-laws, and to enforce summary decisions in petty cases of offences against the public order of the district.

We have also concurred in the proposal to assign to the Judge of the Supreme Court the functions of an Arbiter, with power to adjust by an equitable decision any questions or differences which would otherwise be likely to lead to civil war, or to internal or external complications.

We trust that this provision, as laid down in sections 6 and 7 of Article III, may be deemed by Her Majesty's Government suitable for the purpose of preventing the recurrence of disturbances by which the peace of Samoa has been so frequently interrupted, and the development of foreign trade retarded.

The Declaration of Article V establishes a special local administration and jurisdiction for the municipal district of Apia, differing in several important particulars from the former Municipal Government, which it was agreed required remodelling to suit present circumstances, and in order to minimize the dangers of friction between the different nationalities represented there.

We trust that the form in which the Conference finally decided to present this scheme for the approval of the three Governments will be acceptable to Her Majesty's Government; it differs from the one originally elaborated in the Sub-Committee, of which a general approval was expressed in your Lordship's despatch of the 22nd instant, in that the Council is now exclusively composed of elected members, Consular officers being declared ineligible. We have proposed that all Regulations, Resolutions, and Ordinances of this Council, including the appointment of the Municipal Magistrate, shall only become valid if unanimously approved by the Consuls of the three Treaty Powers sitting on a Consular Board, or, in case of disagreement between the Consuls, with the approval of the Judge of the Supreme Court.

This arrangement was recommended by us to the Conference on the authority of persons intimately acquainted with the local interests of Apia as most suitable for adoption, and likely to be acceptable to all classes of the foreign community there.

It is based on the lines of municipal administration which have been adopted with much appareut success in Shanghae, where there is also a community of mixed nationalities.

The 5th section of Article V in its present form proposes to confer the Presidency of the Municipal Council on an official of undoubted impartiality, commanding the confidence of the three Signatory Powers, to be nominated by agreement among them, and various additional and important functions to be exercised in a mandatory capacity are assigned to him, including those of an Adviser to the native Government.

It is suggested that the official in question should be selected from a neutral nationality.

In dealing with the question of taxation and revenue, the Conference was mainly guided by the desire to raise a sufficient income for the administration of the islands, and yet give the utmost safeguard to all commercial interests involved in the General Act: the duties on wine and arms and the statistical duty on imports have been made higher than the duties originally accepted by the Conference, and approved by Her Majesty's Government; still, the rates which were finally adopted appear not to exceed the bounds of judicious moderation. The provision inserted in section 1 of Article VI as to making Government coal and stores free from duty is advantageous to all the Powers which possess, or have stipulated to establish, coaling-stations in Samoa; 2 per cent. *ad valorum* on the import of coal for commercial purposes in the islands is hardly an appreciable burden.

The right of the native Government to levy and collect additional taxes from natives and their property has been declared subject to control by the Signatory Powers.

The General Act provides for effectually restraining the sale and use of arms and ammunition and intoxicating liquors in Samoa. The prohibition in each case is absolute,

and where it is to be feared that the importation of arms for Government account, or the forfeiture of arms seized by the Government, might lead to a dangerous increase of the stock in possession of the State, a salutary check is established by the prescription that the numbers of all imported weapons shall be noted on the registers of the Custom-house, and the notes be communicated by the President of the Municipal Council to the Consuls of the three Treaty Powers.

The necessity for a local law to restrain more completely than at present the sale and use of arms, ammunition, and intoxicating liquors to Samoans is met by the provision in section 8 of Article III, which authorizes the Chief Justice of Samoa to recommend to the Samoan Government the passage of any law for the promotion of order in the islands. It equally foreseen by the penalties set forth in sections 1 and 2 of Article VII, which establish appropriate penalties in each case.

It will be observed that the Conference has assumed the readiness of the three Governments to undertake a certain amount of financial responsibility, in order to set in motion the machinery of the Land Commission and Court of Justice; but we trust that this obligation, which, it is to be hoped, will only be a temporary one, will not be regarded as unreasonable and unnecessary in view of the benefits which these two institutions may be expected to confer on British interest represented in Samoa.

We found it difficult to withhold our concurrence from this suggestion, strongly supported as it was by our German and American colleagues. It only remains for us to point out in the inclosed Act the dispositions under Article VIII, which admit of its amendment in any particular by common consent, and provides for giving effect to the necessary provisions in the interval between its signature and the exchange of ratifications.

In the last sitting of the Couference, Her Majesty's Plenipotentiaries evoked an unanimous expression of opinion, that much misunderstanding and many regrettable occurrences in the past might have been avoided had the Samoan Islands possessed telegraphic communication with the civilized continents, but no one of the Plenipotentiaries felt himself authorized to make a practical suggestion in this direction for the future.

In closing this Report, we desire to record our acknowledgment of the valuable assistance rendered to us by Mr. Powell, late Her Majesty's Consul in Samoa, who was authorized by your Lordship to place his services at our disposal, and whose information and advice, based on practical and local experience, have been most useful to us when dealing with many important details.

No. 40.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.—(Substance telegraphed.)

Gentlemen, *Foreign Office, June* 8, 1889.

I AUTHORIZE you to sign the General Act of the Samoan Conference, a draft of which accompanied your despatch of the 31st ultimo. If the American Plenipotentiaries, however, wish to introduce any changes, you will refer to me.

I am, &c.

(Signed) SALISBURY.

No. 41.

Sir E. Malet to the Marquis of Salisbury.—(*Received June* 10.)

My Lord, *Berlin, June* 8, 1889.

WITH reference to my despatch of the 29th ultimo, I have the honour to transmit to your Lordship herewith copies of the Protocol of the seventh sitting of the Conference on Samoan affairs.

These copies have not been signed, as there has been no meeting since that date.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 41.

Conference respecting Samoan Affairs.

Seventh Session.—May 29, 1889, 3 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the sixth meeting, held on Monday, the 27th May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck declared the session to be opened.

Baron Holstein proposed that Mr. Kasson should make known to the Conference what had been decided by the Committee of Revision with regard to the definite form of the General Act.

Mr. Kasson accordingly read the emendations and additions proposed by the Committee of Revision, which were agreed to by all the Plenipotentiaries, and the General Act ordered to be printed with the amendments (*vide* Appendix to this present Protocol). The Conference being advised that the American Plenipotentiaries had not yet received final instructions touching section 5 of Article V, it was agreed that this section should be reserved for consideration at the next session.

With reference to section 3 of Article V, *Mr. Kasson* asked whether the Conference at its last session decided that the appointment of the Municipal Magistrate should be confirmed by the Chief Justice.

Mr. Phelps considered that the authority of the Chief Justice finally operated on the appointment. It was made by the Municipal Council; it was approved by the Consular Board; it was reviewed by the Chief Justice on appeal and confirmed.

Mr. Kasson was of opinion that the provisions of the said section referred to Resolutions, Ordinances, and Regulations made by the Municipal Council rather than to the appointment by them of the Municipal Magistrate.

Mr. Scott explained that it was the intention of the Sub-Committee that the Magistrate should be appointed by the Council in some form which would require the approval of the Consular Board.

Sir E. Malet observed that such appointment would come under the head of a Resolution passed by the Council, which would necessarily be referred for final approval to the Chief Justice.

It was agreed to state in the Protocol that section 3 of Article V intended that the appointment of the Municipal Magistrate should be made by Resolution of the Council, and thus be subject to approval, as in the case of other Resolutions.

Sir E. Malet mentioned that the question of a substitute for the Chief Justice in case his office should become vacant had not been settled.

Mr. Kasson proposed that either the suggestion made by Mr. Scott during the late meeting of the Conference might be adopted, viz., that the Chief Justice might appoint his substitute during his own lifetime, or that the powers of the Chief Justice might be exercised by the President of the Municipal Council, in case of a vacancy from any cause, until a successor should be duly appointed and qualified.

This latter proposal was adopted, and it was agreed to insert the provision at the end of section 2 of Article III.

Dr. Krauel alluded to the original section 9 of Article III found in the Project of the General Act, as reported in the Protocol of the sixth session. He thought that some provision should be made for the guidance of the Chief Justice of Samoa as to what laws he should enforce in judging cases to be tried by him. He suggested that, until some fresh agreement were made upon this point by the Treaty Powers, the Supreme Judge might be instructed to follow the procedure and Rules employed by the British High Commissioner for the Western Pacific; a Code which was known to be very well adapted for the purposes for which it had been created.

Mr. Kasson said that he valued greatly the suggestion of Dr. Krauel, but there might be an objection on the part of the Conference to the adoption of a system of laws with which they were not fully acquainted. The object in view was to find a system for the control of the local Courts, and particularly to devise Rules for the punishment of offences. It would be unwise to adopt any laws which might subsequently be found to be in conflict with the provisions of this Act.

Count Bismarck remarked that if the Chief Justice were not to be bound to administer the laws of any civilized country it might lead to serious difficulties, because he would be at a loss to decide what special system of laws out of the many in existence he should adopt in giving his judgments.

Mr. Kasson considered that the Chief Justice would have the right to adopt such Rules of Procedure as he considered best, whilst the Municipality would regulate procedure within its own jurisdiction.

After further discussion, the Conference decided to provide the rule as found in section 10 of Article III (*vide* Appendix), and in lieu of sections 9 and 10 of the Project as originally reported the Conference adopted sections 9 and 10, Article III, as found in the Appendix to this Protocol.

Dr. Krauel asked whether a clause should not be inserted exempting the Consuls from the jurisdiction of the Supreme Court.

It was agreed that such a clause was not necessary, as it was the manifest intention of the Conference that the Consuls and their families should be exempt from such jurisdiction.

Count Bismarck observed that the Conference had now adpoted all the Articles except section 5 of Article IV in the amended Project (*vide* Appendix), which awaited the receipt of further instructions on the part of the American Plenipotentiaries from their Government. His Excellency suggested that the Conference should adjourn until all the members were prepared to sign the complete General Act with the approval of their Governments.

It was agreed to adjourn accordingly.

Sir E. Malet wished to say that if any proposal for the establishment of telegraphic communication with Samoa should be submitted to the Conference it would receive the careful consideration of Her Majesty's Government, who were of opinion that the want of such communication had greatly contributed to the recent troubles, and that its establishment would be greatly conducive to the prevention of future disturbances.

Mr Kasson was convinced that the United States' Government had an equally ardent desire to see telegraphic communication established with Samoa; but the American Plenipotentiaries had no authority to designate the method of its accomplishment.

The Conference expressed the unanimous opinion that the establishment of telegraphic communication was most desirable.

Count Bismarck, in closing the session, desired to express his warmest thanks for the amicable manner in which each and all of the Plenipotentiaries had facilitated the labours over the Conference over which he had the honour to preside; and, in the name of the plenary Conference, he also wished to thank the gentlemen who had done so much towards the furtherance of the work performed, by their attendance on the various Sub-Committees which had been appointed. His Excellency trusted that the final results of the Conference would be to the advantage of the Samoans themselves, and for the benefit of all the inhabitants of that part of the world.

The Conference adjourned at 4·30 P.M., subject to the summons of the President.

Appendix to Protocol of the Seventh Session.

Draft General Act of the Samoan Conference.

[See Inclosure in No. 38, p. 63.]

No. 42.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received June* 13.)

(Telegraphic.) *Berlin, June* 13, 1889.

THE following amendments were to-day proposed in Conference by the United States' Plenipotentiaries. After section 10, Article III, of the General Act, add a section 11, worded as follows:—

"Nothing in this Article shall be construed so as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective national vessels, nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes and offences committed prior to its organization as a Court."

The German Plenipotentiaries do not object to this amendment, expressing as it does only what was understood.

Amendment 2. Omit in section 2, Article III, words, "by the Lord Chief Justice of England, and shall be of English professional experience," and substitute following words: "named by the three Signatory Powers in common accord, or, failing their agreement, he may be named by the King of Sweden from the subjects of that kingdom or of another neutral Power."

We made a suggestion that the above sentence should terminate with the word "Sweden," in order not to limit the choice of the King. Our suggestion was approved by the German Plenipotentiaries, who will to-night, however, refer the matter to the Emperor.

In conclusion, it is proposed to fill in the space left empty in section 5, Article V, with the words:—

"An authority to be hereafter named by the three Powers in common accord."

No. 43.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.—(*Substance telegraphed.*)

Gentlemen, *Foreign Office, June* 14, 1889.

WITH reference to your telegram of the 13th instant, reporting the amendments which had been proposed by the American Plenipotentiaries at the meeting of the Conference yesterday, I have to state to you that, as regards the second of these amendments, I am unable to assent to a provision which would exclude from the post of Chief Justice of Samoa the only lawyers who know anything of the laws or language of foreigners in that country, and that I can, therefore, only authorize you to sign the General Act of the Conference, provided that the sentence beginning "named by the three Signatories" shall end at the word "Sweden."

The other amendments proposed by the American Plenipotentiaries are accepted by Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 44.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received June* 14.)

(Telegraphic.) *Berlin, June* 14, 1889

THE Final Act has been signed by us.

In accordance with your wish the selection of the Chief Justice has been left to the King of Sweden, without restriction of any kind.

No. 45.

The Marquis of Salisbury to the British Plenipotentiaries at the Samoan Conference.—(*Substance telegraphed.*)

Gentlemen, *Foreign Office, June* 15, 1889.

THE Queen has been graciously pleased to command me to convey to Her Majesty's Plenipotentiaries at the recent Conference on the affairs of Samoa the expression of her high approval of the judgment and attention by which they have secured so satisfactory an issue to the labours of the Conference.

I am, &c.
(Signed) SALISBURY.

No. 46.

The British Plenipotentiaries at the Samoan Conference to the Marquis of Salisbury.—(*Received June* 17.)

My Lord, *Berlin, June* 15, 1889.

WE have the honour to transmit herewith to your Lordship the Final Act of the Conference on Samoan affairs, which, in virtue of the full powers conferred upon us by Her Majesty, we signed yesterday afternoon, conjointly with the Plenipotentiaries of the German Emperor and of the United States of America.

We have, &c.
(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.

Inclosure in No. 46.

Final Act of the Conference on Samoan Affairs, signed at Berlin, June 14, 1889.

[See Appendix to Protocol of the Ninth Session, *infra*, p. 83.]

No. 47.

Sir E. Malet to the Marquis of Salisbury.—(*Received June* 17.)

My Lord, *Berlin, June* 15, 1889.

IN continuation of our Report of the 30th ultimo on the proceedings of the Samoa Conference, we have the honour to state, in explanation of the form in which this Act was finally signed, that on reference being made by the Plenipotentiaries to their respective Governments, it was found that the German Plenipotentiaries were authorized for the sake of agreement to sign the Act in the form in which it had been drafted as an Appendix to the Seventh Protocol of the Conference, and that Her Majesty's Plenipotentiaries had a similar authority in case the two other Governments accepted the draft in question without alteration; the Plenipotentiaries of the United States, on the other hand, were instructed to urge the adoption of various amendments, which were considered necessary by their Government with a view to curtail the extensive powers proposed to be conveyed to a Chief Justice of English nationality.

As Her Majesty's Plenipotentiaries were not in a position to discuss these amendments without reference to your Lordship, and some of them were unacceptable to the German Government, the United States' Plenipotentiaries again referred for instructions to Washington, and finally received permission to waive the greater part of these amendments, provided that the three Governments unanimously agreed that in the wording of section 2 of Article III all mention of the nomination by the Chief Justice of England should be omitted, and that section 2 should declare that "the Chief Justice of Samoa should be named by the three Powers in common accord, or, failing their agreement, that he might be named by the King of Sweden and Norway." The United States' Plenipotentiaries were instructed to suggest that the selection by this Sovereign should be restricted

to his own subjects, or to those of a neutral Power. In deference to objections to such restriction anticipated by us and confirmed by your Lordship's instructions of yesterday, this point was waived at the last moment.

The United States' Plenipotentiaries were further directed to press for the addition to Article III of an 11th section, in order to reserve Consular jurisdiction in cases arising between masters and seamen, and to guard against the exercise of restrictive jurisdiction by the Supreme Court.

They were to request that the blank left in the draft of section 5 of Article V should be filled up, so as to secure that in case the Powers failed to agree as to the appointment of the President of the Municipal Government, he should be selected from the neutral nationalities specified in the draft on the nomination of the President of the Swiss Confederation, or of some other authority to be agreed upon by the three Powers. The form finally given to this suggestion was, "nominated by the Chief Executive of the nation from which he is selected."

These suggestions were taken *ad referendum* by the British and German Plenipotentiaries, and on receiving yesterday morning the requisite authority from our Governments to accept them, we met in full Conference and signed the Act in triplicate, as thus amended.

On this occasion, the Senior United States' Plenipotentiary moved a vote of thanks to Count Bismarck for his services as President of the Conference, which was cordially seconded on our part by Sir Edward Malet, and the Conference then separated.

I have, &c.
(For the British Plenipotentiaries),
(Signed) EDWARD B. MALET.

No. 48.

Sir E. Malet to the Marquis of Salisbury.—(*Received June* 17.)

My Lord, *Berlin, June* 15, 1889.

AT the last sitting of the Conference the United States' Plenipotentiaries expressed, on the part of their Government, an earnest desire that the obligation of secrecy with regard to the proceedings and result of the Conference should be preserved until the Final Act had been ratified by the Government of the United States.

Mr. Kasson explained that this request was prompted by a desire to insure the approval of the Final Act by the Senate, which might be placed in some peril by a premature revelation and public discussion of its contents.

We joined our German colleagues in undertaking the personal obligation of continuing to preserve the desired secrecy, and promised to bring the wish of the United States' Government to the notice of Her Majesty's Government.

I have, &c.
(Signed) EDWARD B. MALET.

No. 49.

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, June* 20, 1889.

I APPROVE your having joined your German colleagues, as reported in your despatch of the 15th instant, in undertaking to preserve secrecy with regard to the proceedings and result of the Conference on the affairs of Samoa until the Final Act shall ave been ratified by the Government of the United States.

I am, &c.
(Signed) SALISBURY.

No. 50

The Marquis of Salisbury to Sir E. Malet.

Sir, *Foreign Office, June* 22, 1889.

WITH reference to your despatch of the 15th instant, transmitting the Final Act of the Conference on Samoa, signed by the Plenipotentiaries of the Powers, I have to request your Excellency to ascertain from the German Government their views as to what portions of the Act each Power should put into effect prior to its final ratification in accordance with the provisions of section 2 of Article VIII.

You will point out that some difficulty may occur in taking steps to carry out this Article, in consequence of the undertaking to preserve secrecy regarding the proceedings of the Conference pending final ratification by the United States' Government.

I am, &c.

(Signed) SALISBURY.

No. 51.

Sir E. Malet to the Marquis of Salisbury.—(Received June 24.)

My Lord, *Berlin, June* 18, 1889.

I HAVE the honour to transmit herewith to your Lordship eight copies of the signed Protocols of the seventh, eighth, and ninth sessions of the Samoan Conference.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure 1 in No. 51.

[For Protocol of Seventh Session, and Appendix, see Inclosures in Nos. 38 and 41.]

Inclosure 2 in No. 51.

Conference respecting Samoan Affairs.

Eighth Session.—June 13, 1889, 4 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein.
Dr. Krauel.

For the United States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the seventh session, held on Wednesday, the 29th May, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck stated that the Plenipotentiaries of the three Powers having meanwhile received instructions with respect to the Agreement drawn up at this table, he

should venture to ask what modifications had been proposed in the General Act in order that they might be discussed and referred to the proper quarter. His Excellency added that His Imperial Majesty the Emperor had approved of the General Act in its present form, and that the German Plenipotentiaries were prepared to sign it as it stood.

Sir E. Malet stated that the General Act in its present form might be acceptable to Her Majesty's Government, but that the British Plenipotentiaries had no authority to accept any alterations therein without the previous consent of their Government.

Mr. Kasson said that the distance of communication had necessarily caused delay in the decision of the United States' Government with regard to the General Act as a whole; but that the American Plenipotentiaries were now authorized to sign the same with only two modifications: the first of these was the proposal of an additional section, to be numbered section 11, to Article III, in the following terms:—

"Nothing in this Article shall be so construed as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court."

Count Bismarck considered that, inasmuch as the proposed amendment did not affect any matter of principle, and as the Conference were already fully agreed concerning Consular jurisdiction, he did not think that the German Government would raise any objection to the addition of the proposed new section.

Sir E. Malet did not anticipate any difficulty on the part of Her Majesty's Government with regard to the insertion of the addition suggested.

The proposal was adopted.

Mr. Kasson stated that the United States' Government had had some hesitation in accepting all the terms of Article III respecting the jurisdiction of the Chief Justice of Samoa, whose powers they had found to be much larger than they had expected. They were also disinclined to give to one of the three Signatory Powers an appointment entailing so much political importance. It was proposed to strike out the words "may be named by the Lord Chief Justice of England, and shall be of English professional experience" in this section, and to substitute the words "shall be named by the three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway from the subjects of that kingdom or of other neutral Power." Mr. Kasson further suggested that it might be desirable to add the words, "and shall be fully acquainted with the English language."

Count Bismarck thought that it would be sufficient that the latter suggestion should be recorded in the Protocol; which proposal was adopted.

The opinion was unanimously expressed by the Conference that the person selected for that office should be fully acquainted with the English language.

Sir E. Malet suggested that the new wording of the section should terminate at the word "Norway," in order to avoid restricting in any way the choice of the King of Sweden and Norway.

Count Bismarck would concur with the suggestion of Sir E. Malet, in case the German Government should agree to the proposed alterations.

Mr. Kasson said that he would immediately refer this point to his Government, as his actual instructions were insufficient to enable him and his colleagues to go further than had been already stated. He had no doubt that the suggestion just made would be fully appreciated by the United States' Government.

He added that he assumed that, should the nomination ultimately fall to the King of Sweden and Norway, he would, according to the usages of international courtesy, give previous informal notice to the three Powers of the person he proposed, in order to learn whether there was any reasonable objection to his appointment.

Count Bismarck proposed that the amendment suggested should be at once referred by telegraph to the respective Governments.

This proposal was adopted. His Excellency then remarked that the sole point remaining for settlement was the filling up of the lacuna left in section 5, Article V of the General Act, concerning the nomination of the President of the Municipal Council of Apia.

It was agreed to do so with the words, "the Chief Executive of the nation from which he is selected."

Mr. Bates observed, with reference to section 4 of Article VI, that the levying of the capitation tax especially would press heavily upon the Samoans if it were exacted in the equivalent of the American currency, the rate of which was nearly 40 per cent. higher than the value of the dollar current in the Samoan Islands. He would like to see the Samoans exempted from the operation of this clause.

Mr. Crowe remarked that the Bolivian dollar had already been excluded from circulation in Samoa, and it was equally desirable to exclude the Chilean dollar and the like.

It wag agreed to leave this section in its present form.

The Conference adjourned at 5·20 P.M.

(Signed) JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.
EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.

Certified to be a true copy of the original Protocol:
(Signed) W. N. BEAUCLERK.

Inclosure 3 in No. 51.

Ninth Session.—June 14, 1889, 2 P.M.

Present:

For Germany—
Count von Bismarck.
Baron von Holstein,
Dr. Krauel.

For the Uuited States of America—
Mr. John A. Kasson.
Mr. William Walter Phelps.
Mr. George H. Bates.

For Great Britain—
Sir Edward Baldwin Malet.
Mr. Charles Stewart Scott.
Mr. Joseph Archer Crowe.

THE Protocol of the eighth meeting, held on Thursday, the 13th June, 1889, was approved and signed by all the Plenipotentiaries.

Count Bismarck stated that all the Plenipotentiaries had received instructions to sign the General Act as agreed to at the previous meeting.

Mr. Kasson expressed the desire of his Government that secrecy should be observed as to the contents of the General Act until it should be ratified by the respective Governments.

Count Bismarck observed that such course would be entirely in accordance with established precedents. His Excellency suggested that it would be very desirable if the three Powers would agree to send identic instructions to their Consuls in Samoa in order to communicate to the Samoans such provisions of the General Act as could be properly made known to them previous to ratification.

It had been understood to be the general desire of the Conference that such provisions as those concerning the government of Samoa should be carried into effect with the least possible delay; and it was advisable that the Samoans should profit as soon as possible by the results of the Conference.

Mr. Kasson believed that this desirable object, so far as could be done before ratification, would be attained without difficulty by means of an exchange of correspondence between the three Governments.

Sir E. Malet considered that the proposal would be acceptable to Her Majesty's Government.

It was expressed as the unanimous opinion of the Conference, that it was desirable that the three Governments should decide what provisions of the General Act could b made known at once to the Samoans through their Consuls, and what should be reserved until after ratification.

Mr. Kasson, referring to the impending departure, on leave, of the President of the

Conference in search of the rest and recreation demanded by his health, after a long period of labour, continued as follows :—

"I should neglect a duty, which is both an obligation and a pleasure, if I failed to express on the part of the American Plenipotentiaries our appreciation of the important service which his Excellency Count Bismarck has rendered by his fairness and impartiality as our presiding officer. The conciliatory attitude which he has maintained, and the friendly spirit in which he has conducted the business of the Conference, have exercised the most beneficial influence on the deliberations which now touch their end, and demand our frank recognition.

"I believe that I interpret the sentiments of all the Plenipotentiaries when I beg his Excellency to convey with him the assurance not only of our high appreciation of the official qualities which he has so usefully displayed throughout our proceedings, but also of the personal traits associated with them, which have added a charm to official functions."

Sir E. Malet said :—

"On behalf of the British Plenipotentiaries, I am anxious to say that we most cordially associate ourselves to the expressions which have fallen from Mr. Kasson, and that we desire that his words should be considered as coming equally from us."

Count Bismarck was anxious to express his warmest gratitude for the very flattering words addressed to him by Mr. Kasson and Sir E. Malet. He appreciated and valued very highly the complimentary expressions uttered by them ; but he considered that, if the Conference had been able to perform work which would prove satisfactory to the Governments represented and useful to the several nations concerned, it was mainly due to the loyal and conciliatory attitude of each and all of the Plenipotentiaries, and to the large amount of good work which they had done. Thanks were also due to the Secretaries for the diligence with which they had facilitated the progress of the labours of the Conference.

He repeated what he had said at the close of the seventh session, and reiterated the hope that the results arrived at would be of immedaite and permanent benefit to the natives of Samoa, as well as to all foreigners residing in that quarter of the globe.

The General Act was then signed by all the Plenipotentiaries as hereto appended, and the Conference finally closed its deliberations.

(Signed) JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.
EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.

Certified to be a true copy of the original Protocol :
(Signed) W. N. BEAUCLERK.

Appendix to Protocol of the Ninth Session.

Final Act of the Conference on Samoan Affairs.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, the President of the United States of America ;

Wishing to provide for the security of the life, property, and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with, the islands of Samoa ; and desirous, at the same time, to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887 ; and have named for their present Plenipotentiaries the following :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor

of Germany, King of Prussia; Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe;

His Majesty the Emperor of Germany, King of Prussia, Count Bismarck, Minister of State, Secretary of State for Foreign Affairs; Baron von Holstein, Actual Privy Councillor of Legation; Dr. Krauel, Privy Councillor of Legation;

The President of the United States of America, Mr. John A. Kasson; Mr. William Walter Phelps; Mr. George H. Bates;

Who, furnished with full powers which have been found in good and due form, have successively considered and adopted:—

1. A Declaration respecting the independence and neutrality of the islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.

2. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.

3. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

4. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.

5. A Declaration respecting the municipal district of Apia, providing a local Administration therefor, and defining the jurisdiction of the Municipal Magistrate.

6. A Declaration respecting taxation and revenue in Samoa.

7. A Declaration respecting arms and ammunition and intoxicating liquors, restraining their sale and use.

8. General dispositions.

ARTICLE I.—*A Declaration respecting the Independence and Neutrality of the Islands of Samoa, and assuring to the respective Citizens and Subjects of the Signatory Powers Equality of Rights in said Islands; and providing for the immediate Restoration of Peace and Order therein.*

It is declared that the islands of Samoa are neutral territory, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognize the independence of the Samoan Government, and the free right of the natives to elect their Chief or King, and choose their form of government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formally made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II.—*A Declaration respecting the Modification of existing Treaties, and the Assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing between the three Powers respectively and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such Treaty or Treaties the provisions of this Act shall prevail.

Considering, further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments through the medium of their respective Consuls in Samoa.

ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.*

Section 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal

of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees, to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination, as herein provided. He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act, and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorized, at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the islands, or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act, and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the municipal district, and for the collection of taxes without the district.

Sec. 9. Upon the organization of the Supreme Court, there shall be transferred to its exclusive jurisdiction—

(1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same.

(2.) All civil suits of any kind between natives and foreigners, or between foreigners of different nationalities.

(3.) All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any Consular jurisdiction, subject, however, to the provisions of section 4, Article V, defining the jurisdiction of the Municipal Magistrate of the district of Apia.

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court, but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most

appropriate, or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 11. Nothing in this Article shall be so construed as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ARTICLE IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

Section 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(*a.*) Town lots and lands within the limits of the municipal district, as defined in this Act, may be sold or leased by the owner for a just consideration, when approved in writing by the Chief Justice of Samoa.

(*b.*) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty years, when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interest therein, in the islands of Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three Treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of 300 dollars per month, and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice, for the purpose of examination and registration; and that all claims not so presented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has, after due diligence, been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report—

(*a.*) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

(*b.*) Whether it was for a sufficient consideration.

(*c.*) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court

whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired, but without prejudice to rights of third parties, if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(*a.*) Claims based upon mere promises to sell, or options to buy.

(*b.*) Where the deed, mortgage, or other conveyance contained, at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(*c.*) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(*d.*) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of fire-arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan Law of the 25th October, 1880, or contrary to the Municipal Regulations of the 1st January, 1880.

Sec. 12. The Land Commission may at its discretion, through the Local Government of the district in which the disputed land is situated, appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission, to be by them reported to the Court.

ARTICLE V.—*A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.*

Section 1. The municipal district of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to the point at which the Alafuala road crosses said river, thence following the line of said road to the point where it reaches the River Vaisinago, and thence in a straight line to the point beginning at Vailoa, embracing also the waters of the harbour of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said district, and owner of real estate, or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than 5 dollars per annum.

For the purpose of the election of members of the Council the said district shall be divided into two or three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the three Treaty Powers

to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by Municipal Ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President, the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the municipal district of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said district, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said district of person and property, for the assessment and collection of the revenues therein, as herein authorized; and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said district and not in conflict with this Act, including Sanitary and Police Regulations. They shall establish pilot charges, port dues, quarantine and other Regulations of the port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All Ordinances, Resolutions, and Regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the Regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Law, Ordinance, or Regulation passed by the Municipal Council in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of 200 dollars, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of 20 dollars, or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order, and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of 5,000 dollars, to be paid the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the Receiver and Custodian of the revenues accruing under the provisions of this Act, and shall render quarterly Reports of his receipts and disbursements to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the Laws and Ordinances applicable to the municipal district of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the Local Government of the municipal district, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions,

make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

ARTICLE VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1. The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the Signatory Powers upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners.

(A.)—IMPORT DUTIES.

	Dol. c.
1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	1 00
4. On sparkling wines, per gallon	1 50
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On sporting arms, each	4 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid, *ad valorem*	2 per cent.

(B.)—EXPORT DUTIES.

On copra, *ad valorem*	2½ per cent.
On cotton, „	1½ „
On coffee, „	2 „

(C.)—TAXES TO BE ANNUALLY LEVIED.

	Dol. c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head	1 00
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	4 00
4. On fire-arms, each	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purpsoes, *ad valorem*	1 per cent.
6. Special taxes on traders as follows:—	
Class I—	
On stores of which the monthly sales are 2,000 dollars or more, each store	100 00
Class II—	
Below 2,000 dollars and not less than 1,000 dollars	48 00
Class III—	
Below 1,000 dollars and not less than 500 dollars	36 00
Class IV—	
Below 500 dollars and not less than 250 dollars	24 00
Class V—	
Below 250 dollars	12 00

(D.)—OCCASIONAL TAXES.

1. On trading-vessels exceeding 100 tons burden, calling at Apia, at each call	10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid	½ per cent
3. Upon other written transfers of property, upon the selling price	1 „
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title-paper, or otherwise by the written receipt of the proper tax collector.	
4. Unlicensed butchers in Apia shall pay upon their sales	1 „

(E.)—Licence Taxes.

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance:—

	Dol. c.	
Tavern keeper	10 00	per month.
Attorney, barrister, or solicitor	60 00	per annum.
Doctor of medicine or dentistry	30 00	„
Auctioneer or commission agent	40 00	„
Baker	12 00	„
Banks or companies for banking	60 00	„
Barber	6 00	„
Blacksmith	5 00	„
Boat-builder	6 00	„
Butcher	12 00	„
Cargo-boat or lighter	6 00	„
Carpenter	6 00	„
Photographer or artist	12 00	„
Engineer	12 00	„
„ assistants	6 00	„
„ apprentices	3 00	„
Hawker	1 00	„
Pilot	24 00	„
Printing press	12 00	„
Sail-maker	6 00	„
Ship-builder	6 00	„
Shoemaker	6 00	„
Land surveyor	6 00	„
Tailor	6 00	„
Waterman	6 00	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	3 00	„
Same, when paid over 75 dollars a-month	6 00	„
White labourers and domestics, per head	5 00	„
Factory hands and independent workmen	5 00	„

Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the municipal district, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the municipal district exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the municipal administration as provided by this Act.

Sec. 4. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

Article VII.—*A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.*

Section 1.—*Arms and Ammunition.*

The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited, except in the following cases:—

(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the President of the Municipal Council.

(*b.*) Small arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty), and reported by the President of the Municipal Council to the Consuls of the three Treaty Powers.

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

Section 2.—*Intoxicating Liquors.*

No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article, shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the islands.

ARTICLE VIII.—*General Dispositions.*

Section 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power, after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers with the adherence of Samoa.

Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime, the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King, and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in duplicate at Berlin, this 14th day of June, 1889.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

No. 52.

Mr. Scott to the Marquis of Salisbury.—(*Received June* 27.)

My Lord, *Berne, June* 24, 1889

SIR EDWARD MALET has been good enough to communicate to me your Lordship's despatch of the 15th instant, conveying to Her Majesty's Plenipotentiaries at the recent Conference in Berlin the Queen's very gracious approval of their services.

I have the honour to request permission to express my loyal and respectful gratitude for this gracious message.

I have, &c.
(Signed) CHARLES S. SCOTT.

No. 53.

Sir E. Malet to the Marquis of Salisbury.—(*Received July* 1.)

My Lord, *Berlin, June* 29, 1889.

I HAVE the honour to report that I have this day addressed a *note verbale* to t German Government in the sense of your Lordship's despatch of the 22nd instant, concerning the putting into effect of portions of the Final Act of the recent Conference prior to its ultimate ratification by the three Powers.

I have, &c.
(Signed) EDWARD B. MALET.

No. 54.

Memorandum communicated by Count Hatzfeldt to the Marquis of Salisbury, July 5, 1889.

(Translation.)

ARTICLE II, section 2, of the General Act of the Samoan Conference requires the concurrence of the Samoan Government to the joint Declaration of the Governments of Germany, England, and the United States, and is thereby agreed that the three Treaty Powers shall request the Samoan Government to express such concurrence in writing.

The Minutes of the ninth meeting of the Conference (p. 138) show that the Plenipotentiaries agreed unanimously that the Governments of the three Signatory Powers should decide which of the provisions of the General Act shall be communicated to the Samoans at once, and which shall be so communicated after the ratification of the Act.

As there does not now exist in Samoa any universally recognized Government, the first part of the General Act to be carried out will be Article I, whereby the three Powers, in order to bring about the speedy re-establishment of peace and order in those islands, have agreed to recognize anew, in the exercise of his authority, the Chief Malietoa Laupepa, formerly recognized as King by the Powers.

It appears necessary for this purpose that the Consuls of the Treaty Powers at Apia should receive instructions to announce the above decision of the Conference to the Samoans in a joint Proclamation, and then to declare that Malietoa is recognized as King of the Samoan Islands.

As soon as the latter has again taken over the Government, it would be well in the opinion of the Imperial Government to inform him of the decisions of the Conference relating to the prohibition to alienate land belonging to Samoans or to foreigners (Article IV, section 1), and relating to the restriction of the trade in arms, powder, and spirituous liquors (Article VII). The Samoan Government should, at the same time, be moved to put these decisions of the Conference in force as regards the natives, by the issue of the proper order to that effect.

It is, of course, understood that the Governments of the Treaty Powers will, at the same time, take the necessary measures in order to prevent their subjects or citizens, as the case may be, from importing or trading in materials of war and spirituous liquors, or acquiring Samoan land, and also the necessary measures for insuring the punishment of infractions of these prohibitions.

No. 55.

The Marquis of Salisbury to Count Hatzfeldt.

M. l'Ambassadeur, *Foreign Office, July 24, 1889.*

HER Majesty's Government have had under their consideration the Memorandum which your Excellency was good enough to communicate to me on the 5th instant respecting the steps which should, in the opinion of the Imperial German Government, be taken in order to give effect to the provisions of the Ist and IInd Articles of the General Act of the Samoan Conference prior to its final ratification.

I have now the honour to inform your Excellency that Her Majesty's Government agree to the course proposed in the Memorandum above referred to, provided that it meets with the concurrence of the Government of the United States, and that, as soon as the assent of that Government has been communicated to them, the necessary instructions will be issued.

I have, &c.
(Signed) SALISBURY.

No. 56.

Foreign Office to Consul de Coëtlogon.—(Substance telegraphed.)

Sir, *Foreign Office, September 16, 1889.*

I AM directed by the Marquis of Salisbury to state to you that the German and United States' Consuls in Samoa having been instructed by their respective Governments

to recognize Malietoa as King of the Samoan Islands, you are authorized to notify his recognition by Her Majesty's Government in concert with them.

I am, &c.
(Signed) T. H. SANDERSON.

No. 57.

Foreign Office to Consul de Coëtlogon.—(*Substance telegraphed.*)

Sir, *Foreign Office, September* 27, 1889.

I AM directed by the Marquis of Salisbury to inform you that you are at liberty to concert with your German and United States' colleagues in regard to the issue of notices to the subjects and citizens of the three countries, warning them to abstain from the practices prohibited in Articles IV and VII of the Final Act of the Conference recently held at Berlin, and to join with them in advising the *de facto* Government of Samoa to draw up Regulations for the same purpose.

You will find that the German Consul is also in possession of full instructions on the subject.

I am, &c.
(Signed) T. H. SANDERSON.

No. 58.

Foreign Office to Consul de Coëtlogon.

Sir, *Foreign Office, September* 27, 1889.

I AM directed by the Marquis of Salisbury to transmit to you herewith, for your own information only, a copy of the Final Act of the recent Conference held at Berlin to provide for the security of the life, property, and trade of the subjects and citizens of Great Britain, Germany, and the United States of America residing in the Navigators' Islands, and to promote, as far as possible, peace and good order in those islands.*

This Act has not been ratified by either of the three Powers interested, inasmuch as the assent of the Senate of the United States—which will not assemble before December next—must in the first instance be obtained thereto.

I am therefore to impress upon you the necessity for the strictest secrecy in regard to its contents. You will not take any action upon it without being specially instructed by his Lordship to do so.

I am, &c.
(Signed) T. H. SANDERSON.

No. 59.

Sir E. Malet to the Marquis of Salisbury.—(*Received November* 25.)

(Extract.) *Berlin, November* 23, 1889.

COUNT BISMARCK spoke to me to-day with satisfaction of the news from Samoa regarding the election of King Malietoa, and his recognition by the Representatives of the three Powers.

No. 60.

Consul de Coëtlogon to the Marquis of Salisbury.—(*Received December* 9.)

My Lord, *Samoa, November* 8, 1889.

I HAVE the honour, with the greatest respect, to inform your Lordship that, by the United States' ship "Adams" taking a supplementary mail, I am enabled to report that the United States' Vice-Consul has now received the orders of his Government.

* See p. 83.

The German Consul-General, the United States' Vice-Consul, and I at once held a meeting, in order to carry out the orders of our Governments with regard to Articles IV A and VII B of the Final Act of Samoan Conference (a copy of which I have now duly received), and this day will be issued to the High Chiefs, and Samoan people in general, the decisions of the three Powers. I am unable to report further, as the mail is about to close.

I have, &c.
(Signed) H. DE COËTLOGON.

Inclosure in No. 60.

Proclamation.

WE, the undersigned Representatives of the Governments of Germany, Great Britain' and the United States, hereby make known to the people of Samoa—

That our Governments, with a view to the prompt restoration of peace and good order in the Samoan Islands, and in view of the difficulties which would surround an election, in the present disordered condition of their Government, have, by common accord, declared that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority.

We, at the same time, invite the people of Samoa to take without delay such measures as, according to Samoan customs, are necessary to reinstate the High Chief Laupepa as King of Samoa.

(Signed) STUEBEL, *German Consul-General.*
H. DE COËTLOGON, *Her Majesty's Consul.*
W. BLACKLOCK, *United States' Vice-Consul.*

Apia, Samoa, November 8, 1889.

No. 61.

Foreign Office to Consul de Coëtlogon.

Sir, *Foreign Office, December* 12, 1889.

I AM directed by the Marquis of Salisbury to convey to you his Lordship's approval of the terms of the Proclamation, signed by yourself and by your German and United States' colleagues, in regard to the recognition of Malietoa Laupepa as King of Samoa, a copy of which is inclosed in your despatch of the 8th ultimo.

I am, &c.
(Signed) P. CURRIE.

No. 62.

Consul de Coëtlogon to the Marquis of Salisbury.—(*Received January* 6, 890.)

My Lord, *Samoa, December* 6, 1889.

I HAVE the honour, with the greatest respect, to inform your Lordship that Malietoa was yesterday elected King of Samoa, without opposition. The German Consul-General, the United States' Vice-Consul, and I then issued the inclosed Proclamation.

Everything is perfectly quiet in these islands.

I have, &c.
(Signed) H. DE COËTLOGON.

Inclosure in No. 62.

Proclamation.

HAVING been informed that, in compliance with the invitation contained in our Proclamation of the 8th November, Malietoa Laupepa has been reinstated as King of Samoa by his own party, and being also aware, by letters received from the Chiefs at present assembled in Lufilufi, bearing the date of the 1st November, and by a letter of the 12th November, signed by the High Chief Tamasese, that they, too, are willing to accept Malietoa Laupepa as King of Samoa, we, the undersigned Representatives of Germany, Great Britain, and the United States of America, availing ourselves of the instructions sent us for the purpose by our respective Governments, hereby proclaim :—

That the Governments of Germany, Great Britain, and the United States of America from this time recognize Malietoa Laupepa to be King of Samoa.

We also earnestly desire the two parties that have been hitherto opposed to each other to effect as soon as possible an ultimate reconciliation, and to contribute, both of them, to the best of their endeavours, to the peaceable management of the Samoan Government under King Malietoa.

(Signed) STUEBEL, *Imperial German Consul-General.*
H. DE COËTLOGON, *Her Britannic Majesty's Consul.*
W. BLACKLOCK, *United States' Vice-Consul.*

Apia, December 5, 1889.

No. 63.

Foreign Office to Consul de Coëtlogon.

Sir, *Foreign Office, January* 8, 1890.

I AM directed by the Marquis of Salisbury to express to you his Lordship's approval of the terms of the Proclamation recognizing Malietoa Laupepa as King of Samoa, which you issued in conjunction with your German and United States' colleagues, and of which a copy accompanied your despatch of the 6th ultimo.

I am, &c.
(Signed) P. CURRIE.

No. 64.

Sir J. Pauncefote to the Marquis of Salisbury.—(*Received February* 5, 10·15 P.M.)

(Telegraphic.) *Washington, February* 5, 1890.

SAMOAN Treaty ratified by Senate.

SAMOA. No. 1 (1890).

FURTHER Correspondence respecting the Affairs of Samoa.

[In continuation of "Samoa No. 1, 1889," C. 5629.]

Presented to both Houses of Parliament by Command of Her Majesty. February 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

SAMOA. No. 2 (1890).

FINAL ACT

OF THE

CONFERENCE

ON THE

AFFAIRS OF SAMOA.

Signed at Berlin, June 14, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
April 1890.

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Final Act of the Conference on the Affairs of Samoa.

Signed at Berlin, June 14, 1889.

[*Ratifications deposited at Berlin, April* 12, 1890.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, the President of the United States of America;

Wishing to provide for the security of the life, property, and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with, the Islands of Samoa; and desirous, at the same time, to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887; and have named for their present Plenipotentiaries the following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia; Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe;

His Majesty the Emperor of Germany, King of Prussia, Count Bismarck, Minister of State, Secretary of State for Foreign Affairs; Baron von Holstein, Actual Privy Councillor of Legation; Dr. Krauel, Privy Councillor of Legation;

The President of the United States of America, Mr. John A. Kasson; Mr. William Walter Phelps; Mr. George H. Bates;

Who, furnished with full powers which have been found in good and due form, have successively considered and adopted:—

1. A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.

2. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.

3. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

4. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.

5. A Declaration respecting the Municipal District of Apia, providing a local Administration therefor, and defining the jurisdiction of the Municipal Magistrate.

6. A Declaration respecting taxation and revenue in Samoa.

7. A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.

8. General dispositions.

ARTICLE I.—*A Declaration respecting the Independence and Neutrality of the Islands of Samoa, and assuring to the respective Citizens and Subjects of the Signatory Powers Equality of Rights in said Islands; and providing for the immediate restoration of Peace and Order therein.*

It is declared that the islands of Samoa are neutral territory, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognize the independence of the Samoan Government, and the free right of the natives to elect their Chief or King, and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognized by the three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II.—*A Declaration respecting the Modification of existing Treaties, and the Assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act cannot be fully effective without a modification of certain provisions of the Treaties heretofore existing between the three Powers, respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such Treaty or Treaties, the provisions of this Act shall prevail.

Considering, further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments through the medium of their respective Consuls in Samoa.

ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.*

Section 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination, as herein provided. He shall receive an annual salary of six thousand dollars ($6,000) in gold, or its equivalent, to be paid the first year in equal proportions by the three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the

majority of the three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act, and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorized, at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the islands; or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District, and for the collection of taxes without the District.

Sec. 9. Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction—

(1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same.

(2.) All civil suits of any kind between natives and foreigners or between foreigners of different nationalities.

(3.) All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any Consular jurisdiction, subject, however, to the provisions of section 4, Article V, defining the jurisdiction of the Municipal Magistrate of the District of Apia.

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court, but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate, or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 11. Nothing in this Article shall be so construed as to affect existing Consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ARTICLE IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

Section 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(*a.*) Town lots and lands within the limits of the Municipal District, as defined in this Act, may be sold or leased by the owner for a just consideration, when approved in writing by the Chief Justice of Samoa.

(*b.*) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty (40) years, when such

lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interest therein, in the Islands of Samoa, it is declared that a Commission shall be appointed, to consist of three (3) impartial and competent persons, one to be named by each of the three Treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of three hundred dollars per month, and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This Notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report—

(*a.*) Whether the sale or disposition was made by the rightful owner or native entitled to make it.

(*b.*) Whether it was for a sufficient consideration.

(*c.*) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission, whenever the case requires it, shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired—but without prejudice to rights of third parties—if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or culti-

vated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(*a.*) Claims based upon mere promises to sell, or options to buy.

(*b.*) Where the deed, mortgage, or other conveyance contained, at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(*c.*) Where no consideration is expressed in the conveyance, or if expressed, has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(*d.*) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of fire-arms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan Law of the 25th October, 1880, or contrary to the Municipal Regulations of the 1st January, 1880.

Sec. 12. The Land Commission may at its discretion, through the Local Government of the district in which the disputed land is situated, appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

ARTICLE V.—*A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.*

Section 1. The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to the point at which the Alafuala road crosses said river, thence following the line of said road to the point where it reaches the River Vaisinago, and thence in a straight line to the point of beginning at Vailoa, embracing also the waters of the harbour of Apia.

Sec. 2. Within the aforesaid District shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said District, and owner of real estate, or conductor of a profession or business in said District which is subject to a rate or tax not less in amount than $5 per annum.

For the purpose of the election of members of the Council, the said District shall be divided into two, or three, electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by Municipal Ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said District, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said District of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the Laws and Ordinances which shall be in force in said District and not in conflict with this Act, including Sanitary and Police Regulations. They shall establish pilot charges, port dues, Quarantine and other Regulations of the

port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All Ordinances, Resolutions, and Regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the Regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the Regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Law, Ordinance, or Regulation passed by the Municipal Council, in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of two hundred dollars, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of twenty dollars, or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order, and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of five thousand dollars ($5,000), to be paid the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly Reports of his receipts and disbursement to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the Laws and Ordinances applicable to the Municipal District of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the Local Government of the Municipal District, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath, or affirmation, that he will well and faithfully perform the duties of his office.

Article VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandize landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by Treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such Treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the Signatory

Powers upon all property outside the Municipal District, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners:—

(A.)—Import Duties.

	Dol. c.
1. On ale and porter and beer, per dozen quarts	0 50
2. On spirits, per gallon	2 50
3. On wine, except sparkling, per gallon	1 00
4. On sparkling wines, per gallon	1 50
5. On tobacco, per lb.	0 50
6. On cigars, per lb.	1 00
7. On sporting arms, each	4 00
8. On gunpowder, per lb.	0 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid, *ad valorem*	2 per cent.

(B.)—Export Duties.

On copra, *ad valorem*	2½ per cent.
On cotton, „	1½ „
On coffee, „	2 „

(C.)—Taxes to be annually levied.

	Dol. c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head	1 00
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	2 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	4 00
4. On fire-arms, each	2 00
5. On dwelling-houses (not including the dwelling-houses of Samoan natives) and on land and houses used for commercial purposes, *ad valorem*	1 per cent.
6. Special taxes on traders as follows—	
Class I—	
On stores of which the monthly sales are 2,000 dollars or more, each store	100 00
Class II—	
Below 2,000 dollars and not less than 1,000 dollars	48 00
Class III—	
Below 1,000 dollars and not less than 500 dollars	36 00
Class IV—	
Below 500 dollars and not less than 250 dollars	24 00
Class V—	
Below 250 dollars	12 00

(D.)—Occasional Taxes.

1. On trading-vessels exceeding 100 tons burden, calling at Apia, at each call	10 00
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid	½ per cent.
3. Upon other written transfers of property, upon the selling price	1 „
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title-paper, or otherwise by the written receipt of the proper tax collector.	
4. Unlicensed butchers in Apia shall pay upon their sales	1 „

(E.)—Licence Taxes.

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a licence therefor, and for such licence the following tax shall be paid in advance:—

	Dol. c.	
Tavern-keeper	10 00	per month.
Attorney, barrister, or solicitor	60 00	per annum.
Doctor of medicine or dentistry	30 00	„
Auctioneer or commission agent	40 00	„
Baker	12 00	„
Banks or companies for banking	60 00	„
Barber	6 00	„
Blacksmith	5 00	„
Boat-builder	6 00	„
Butcher	12 00	„
Cargo-boat or lighter	6 00	„
Carpenter	6 00	„
Photographer or artist	12 00	„
Engineer	12 00	„
„ assistants	6 00	„
„ apprentices	3 00	„

	Dol. c.	
Hawker	1 00	per annum.
Pilot	24 00	„
Printing press	12 00	„
Sail-maker	6 00	„
Ship-builder	6 00	„
Shoemaker	6 00	„
Land surveyor	6 00	„
Tailor	6 00	„
Waterman	6 00	„
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a-month	3 00	„
Same, when paid over 75 dollars a-month	6 00	„
White labourers and domestics, per head	5 00	„
Factory hands and independent workmen	5 00	„

Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

Sec. 4. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

Article VII.—*A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.*

Section 1.—*Arms and Ammunition.*

The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited, except in the following cases:—

(*a.*) Guns and ammunition for sporting purposes, for which written licence shall have been previously obtained from the President of the Municipal Council.

(*b.*) Small arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty), and reported by the President of the Municipal Council to the Consuls of the three Treaty Powers.

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

Section. 2.—*Intoxicating Liquors.*

No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan or South Sea islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the islands.

Article VIII.—*General Dispositions.*

Sec. 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power, after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers with the adherence of Samoa.

Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime, the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King, and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin, this 14th day of June, 1889.

(Signed) EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

SAMOA. No. 2 (1890).

Final Act of the Conference on the Affairs of Samoa.

Signed at Berlin, June 14, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. April 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

COMMERCIAL. No. 11 (1890).

(SERVIA.)

PROVISIONAL COMMERCIAL AGREEMENT

BETWEEN THE

GOVERNMENTS OF GREAT BRITAIN

AND

SERVIA.

Signed at Belgrade, February 2 (14), 1890.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1890.

LONDON:
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32, Abingdon Street, Westminster, S.W.; or
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HODGES, FIGGIS, AND Co., 104, Grafton Street, Dublin.

[C.– 5917.] *Price* ½*d.*

Provisional Commercial Agreement between the Governments of Great Britain and Servia.

Signed at Belgrade, February 2 (14), 1890.

LE Gouvernement de Sa Majesté la Reine du Royaume Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Gouvernement de la Régence de Sa Majesté le Roi de Serbie, désirant, chacun d'eux, régler provisoirement, et à partir du 6 (18) Mai, 1890, jour de l'expiration de la Convention Commerciale dénoncée, jusqu'à la conclusion de la nouvelle Convention Commerciale définitive, la position de ses ressortissants résidant dans le pays et les territoires de l'autre, ainsi que les relations commerciales entre les deux États, ont arrêté d'un commun accord les dispositions suivantes :—

Les sujets Britanniques résidant en Serbie et les sujets Serbes résidant dans les territoires, y compris les colonies et les possessions étrangères de Sa Majesté Britannique, jouiront, comme dans le passé, de tous les droits accordés aux sujets ou nationaux de la Puissance la plus favorisée, et les marchandises de toute nature, originaires du Royaume Uni de la Grande-Bretagne et d'Irlande, ou de ses colonies ou possessions, importées en Serbie, ainsi que toutes les marchandises, originaires de Serbie, qui seront importées dans les États de Sa Majesté Britannique, y compris les colonies et possessions, seront réciproquement assujetties aux mêmes taxes douanières d'entrée ou de sortie, aux taxes accessoires de réexportation, de commission, ou d'entrepôt, aux taxes locales et aux taxes relatives à toutes les formalités douanières, que les marchandises de la nation la plus favorisée.

Il est néanmoins entendu que les dispositions du présent Acte ne seront pas appliquées aux colonies ou possessions étrangères de Sa Majesté Britannique auxquelles ne s'appliquaient pas les dispositions du Traité original du 26 Janvier (7 Février), 1880, c'est-à-dire, au Domaine du Canada, et aux colonies Britanniques de l'Afrique du Sud.

La présente entente restera en vigueur à partir du 6 (18) Mai de l'année 1890, jusqu'au 1er (13) Janvier de l'année 1893.

Les deux Gouvernements s'engagent, s'il est nécessaire, à faire approuver la présente entente par les Corps Législatifs de leurs États respectifs.

En foi de quoi les Soussignés ont rédigé la présente entente, et y ont apposé leurs cachets.

Fait à Belgrade, le 2 (14) Février, 1890.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire
de Sa Majesté Britannique à Belgrade,
(L.S.) F. R. ST. JOHN.

Le Ministre des Affaires Étrangères de Serbie,
Président du Conseil des Ministres,
(L.S.) Le Général S. GROUITCH.

(Translation.)

THE Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and the Government of the Regency of His

Majesty the King of Servia, both desiring to provisionally regulate from the 6th (18th) May, 1890, the date of the expiration of the Commercial Convention which has been denounced, until the conclusion of a new definitive Commercial Convention, the position of their respective subjects residing in the dominions and possessions of the other party, as well as the commercial relations between the two States, have agreed upon and concluded the following provisions:—

British subjects residing in Servia, and Servian subjects residing in the territories, colonies, and foreign possessions of Her Britannic Majesty, shall enjoy, as in the past, all the rights accorded to the subjects or natives of the most favoured nation; and merchandize of every kind the produce of the United Kingdom of Great Britain and Ireland, or of its colonies or possessions, imported into Servia, and all merchandize the produce of Servia which may be imported into the dominions of Her Britannic Majesty, including the colonies and foreign possessions, shall be reciprocally subjected to the same customs duties of import or export, to the same accessory duties of re-export, of commission, or of warehousing, to the same local duties, and duties relative to all Customs formalities, as the merchandize of the most favoured nation.

It is nevertheless understood that the provisions of the present Act shall not apply to those colonies and foreign possessions of Her Britannic Majesty to which the provisions of the original Treaty of the 26th January (7th February), 1880, did not apply, that is to say, to the Dominion of Canada, and to Her Majesty's colonies in South Africa.

The present Agreement will remain in force from the 6th (18th) May, 1890, until the 1st (13th) January, 1893.

The two Governments engage, if necessary, to obtain assent to the present Agreement by the Legislative Assemblies of their respective States.

In witness whereof the Undersigned have drawn up the present Agreement, and have affixed thereto the seal of their arms.

Done at Belgrade, the 2nd (14th) February, 1890.

The Envoy Extraordinary and Minister Plenipotentiary
of Her Britannic Majesty at Belgrade,
(L.S.) F. R. ST. JOHN.

The Minister of Foreign Affairs for Servia, President
of the Council of Ministers,
(L.S.) Le Général S. GROUITCH.

(SERVIA.)

PROVISIONAL COMMERCIAL AGREEMENT between the Governments of Great Britain and Servia.

Signed at Belgrade, February 2 (14), 1890.

Presented to both Houses of Parliament by Command of Her Majesty. March 1890.

LONDON:
PRINTED BY HARRISON AND SONS.

SWITZERLAND. No. 1 (1890).

ACCESSION

OF THE

DUTCH COLONIES OF CURAÇAO AND SURINAM

TO THE

INTERNATIONAL UNION

FOR THE

PROTECTION OF INDUSTRIAL PROPERTY.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1890.

LONDON:
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32, Abingdon Street, Westminster, S.W.; or
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[C.—5971.] *Price* ½*d.*

Accession of the Dutch Colonies of Curaçao and Surinam to the International Union for the Protection of Industrial Property.

No. 1.

M. Vernet to the Marquis of Salisbury.—(*Received March* 8.)

My Lord, 25, *Old Broad Street, London, March* 7, 1890.

I HAVE the honour of transmitting to your Lordship the inclosed note from my Government, informing you of the accession of the Dutch Colonies of Curaçao and Surinam to the International Union for the Protection of Industrial Property, which was notified to them by the Government of the Netherlands.

I have, &c.
(Signed) H. VERNET,
Agent and Consul-General for Switzerland.

Inclosure in No. 1.

The President of the Swiss Confederation to the Marquis of Salisbury.

Excellence, *Berne, le* 28 *Février*, 1890.

NOUS avons l'honneur d'informer votre Excellence que le Gouvernement des Pays-Bas a décidé d'accéder, pour ses Colonies de Curaçao et de Surinam, à la Convention du 20 Mars, 1883, pour la Protection de la Propriété Industrielle.

La date d'accession est fixée au 1er Juillet prochain.

En priant votre Excellence de vouloir bien prendre acte de cette accession, nous saisissons, &c.

Au nom du Conseil Fédéral Suisse :
Le Président de la Confédération,
(Signé) L. RUCHONNET.

Le Chancelier de la Confédération,
(Signé) RINGIER.

(Translation.)

Your Excellency, *Berne, February* 28, 1890.

WE have the honour to inform your Excellency that the Netherland Government has decided to accede, on behalf of its Colonies of Curaçao and Surinam, to the Convention of the 20th March, 1883, for the Protection of Industrial Property.

The accession will date from the 1st July next.

In requesting your Excellency to be good enough to take note of this accession, we avail, &c.

In the name of the Swiss Federal Council :

The President of the Confederation,

(Signed) L. RUCHONNET.

The Chancellor of the Confederation,

(Signed) RINGIER.

No. 2.

The Marquis of Salisbury to the President of the Swiss Confederation.

Sir, *Foreign Office, March* 13, 1890.

I HAVE the honour to acknowledge the receipt of your Excellency's communication of the 28th ultimo, and to acquaint you that Her Majesty's Government have taken note of the accession of the Dutch Colonies of Curaçao and Surinam to the Convention of the 20th March, 1883, for the Protection of Industrial Property.

I have, &c.

(Signed) SALISBURY.

No. 3.

The Marquis of Salisbury to M. Vernet.

Sir, *Foreign Office, March* 13, 1890.

IN reply to your note of the 7th instant, I have the honour to transmit to you my reply to the communication in which the President of the Swiss Confederation announces the accession of the Dutch Colonies of Curaçao and Surinam to the Convention of the 20th March, 1883, for the Protection of Industrial Property.

I have, &c.

(Signed) SALISBURY.

SWITZERLAND. No. 1 (1890).

ACCESSION of the Dutch Colonies of Curaçao and Surinam to the International Union for the Protection of Industrial Property.

Presented to both Houses of Parliament by Command of Her Majesty. March 1890.

LONDON:

PRINTED BY HARRISON AND SONS.

TUNIS. No. 1 (1890).

ARRANGEMENT

BETWEEN THE

BRITISH AND FRENCH GOVERNMENTS

EXTENDING TO

TUNIS

THE

PROVISIONS OF THE EXTRADITION TREATY

BETWEEN

GREAT BRITAIN AND FRANCE OF AUGUST 14, 1876.

Signed at Paris, December 31, 1889.

Presented to both Houses of Parliament by Command of Her Majesty.
May 1890.

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HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

[C.—5976.] *Price* ½*d.*

Arrangement between the British and French Governments, extending to Tunis the Provisions of the Extradition Treaty between Great Britain and France of August 14, 1876.

Signed at Paris, December 31, 1889.

THE Government of Her Britannic Majesty on the one part, and the Government of the French Republic, acting in the name of the Government of His Highness the Bey of Tunis, on the other part, with a view to insure as far as possible the arrest and delivery to the competent jurisdiction of criminals who seek to escape by flight from the action of justice, have agreed as follows :—

The provisions of the Anglo-French Convention of the 14th August, 1876, are extended to Tunis, except that the period of fourteen days, stipulated by Article IX of the said Convention, is prolonged to two months.

The present Arrangement shall have the same duration as the Convention of Extradition to which it relates.

In witness whereof the Undersigned, his Excellency the Earl of Lytton, Her Britannic Majesty's Ambassador at Paris, and his Excellency M. Spuller, Minister for Foreign Affairs of the French Republic, have prepared the present Arrangement, and have affixed thereto their seals.

Done at Paris, the 31st day of December, 1889.

(L.S.) LYTTON.
(L.S.) E. SPULLER.

LE Gouvernement de Sa Majesté Britannique d'une part, et le Gouvernement de la République Française, agissant au nom du Gouvernement de Son Altesse le Bey de Tunis, de l'autre, en vue d'assurer autant que possible l'arrestation et la remise à la juridiction compétente des malfaiteurs qui cherchent à se soustraire par la fuite à l'action de la justice, sont convenus de ce qui suit :—

Les dispositions de la Convention Franco-Anglaise du 14 Août, 1876, sont étendues à la Tunisie, sauf que le délai de quatorze jours stipulé par l'Article IX de la dite Convention est porté à deux mois.

Le présent Arrangement aura la même durée que la Convention d'Extradition à laquelle il se rapporte.

En foi de quoi les Soussignés, son Excellence le Comte de Lytton, Ambassadeur de Sa Majesté Britannique à Paris, et son Excellence M. Spuller, Ministre des Affaires Étrangères de la République Française, ont dressé le présent Arrangement, et y ont apposé leurs cachets.

Fait à Paris, le 31 Décembre, 1889.

TUNIS. No. 1 (1890).

ARRANGEMENT between the British and French Governments, extending to Tunis the Provisions of the Extradition Treaty between Great Britain and France of August 14, 1876.

Signed at Paris, December 31, 1889.

Presented to both Houses of Parliament by Command of Her Majesty. May 1890.

LONDON:
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